

JASON SMITH  
ANTHONY JORDAN vs TIMOTHY EVANS

September 20, 2017  
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1	IN THE UNITED STATES DISTRICT COURT	1 (WHEREUPON, the witness was duly
2	NORTHERN DISTRICT OF ILLINOIS	2 sworn.)
3	EASTERN DIVISION	3 JASON SMITH,
4	ANTHONY JORDAN, KENNETH )	4 called as a witness herein, having been first duly
5	GREENLAW, THEODIS CHAPMAN, )	5 sworn, was examined and testified as follows:
6	and PATRICK NELSON, on behalf )	6 EXAMINATION
7	of themselves and others )	7 BY MR. HAYES:
8	similarly situated, )	8 Q. Good morning, Mr. Smith. My name is
9	Plaintiffs, )	9 John Hayes. I'm representing the defendant in this
10	vs. ) No. 15-cv-5907	10 case, Jordan, et al., versus the Cook County -- I'm
11	TIMOTHY EVANS, CHIEF JUDGE OF )	11 sorry -- the Chief Judge of the Circuit Court of
12	THE CIRCUIT COURT OF COOK )	12 Cook County.
13	COUNTY, )	13 MR. HAYES: Let the record reflect this is the
14	Defendant. )	14 deposition of plaintiff, Jason Smith, in the just
15		15 mentioned case filed in the U.S. District Court for
16	The deposition of JASON SMITH, called	16 the Northern District of Illinois. The deposition
17	for examination, taken pursuant to the Federal	17 is subject to all applicable federal rules.
18	Rules of Civil Procedure of the United States	18 BY MR. HAYES:
19	District Courts pertaining to the taking of	19 Q. Mr. Smith, I'm just going to go over
20	depositions, taken before KRISTIN C. BRAJKOVICH, a	20 some ground rules. First, do you understand that
21	Certified Shorthand Reporter, CSR. No. 84-3810, of	21 you are under the same obligation to tell the truth
22	said state, at Suite 1300, 100 West Randolph	22 today as you would in front of a judge or jury?
23	Street, Chicago, Illinois, on the 20th day of	23 A. Yes.
24	September, A.D. 2017, at 10:23 p.m.	24 Q. In terms of answering, I'm going to need
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1	PRESENT:	1 you to say yes or no, so all of your answers need
2		2 to be verbal. The court reporter can't take down
3	DESPRES, SCHWARTZ & GEOGHEGAN, LTD.,	3 nods, shakes of the head, gestures, things like
4	(77 West Washington Street, Suite 711,	4 that. Do you understand?
5	Chicago, Illinois 60602,	5 A. Yes.
6	1-312-372-2511), by:	6 Q. Another thing, in terms of answering,
7	MR. THOMAS H. GEOGHEGAN,	7 you may anticipate where I'm going with the
8	tgeoghegan@dsgchicago.com,	8 question, but wait until I finish it so she can get
9	appeared on behalf of the Plaintiffs;	9 a clean record of it and then you can answer. And
10		10 I will do my best to do the same thing. If you are
11	OFFICE OF THE ATTORNEY GENERAL,	11 answering, I'll let you finish and then I'll talk.
12	STATE OF ILLINOIS,	12 Do you understand that?
13	ATTORNEY GENERAL LISA MADIGAN,	13 A. Yes.
14	(100 West Randolph Street,	14 Q. Occasionally, your counsel here may
15	Chicago, Illinois 60601,	15 object. That is fine, but unless he directs you
16	1-312-814-5022), by:	16 not to answer, you still need to answer the
17	MR. JOHN HAYES,	17 question. Do you understand that?
18	jhayes@atg.state.il.us,	18 A. Yes.
19	appeared on behalf of the Defendant.	19 Q. If you don't understand a question, just
20		20 let me know, and I'll rephrase it or repeat it or
21		21 whatever. Okay?
22		22 A. Yes.
23	REPORTED BY: KRISTIN C. BRAJKOVICH,	23 Q. If you need a break, that's fine. Just
24	CSR No. 84-3810.	24 let me know. I know sometimes this can get kind of

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<p style="text-align: right;">Page 5</p> <p>1 tedious, so just let me know. The only thing that 2 I ask is that if I have a question pending, you 3 wait until you answer the question to take a break. 4 Okay? 5 A. Yes. 6 Q. Are you taking any medication that would 7 affect your ability to testify today? 8 A. No. 9 Q. All right. Is there any reason that you 10 can think of that would prevent you from answering 11 truthfully today? 12 A. No. 13 Q. Have you ever been deposed before? 14 A. No. 15 Q. Have you yourself ever filed a lawsuit 16 before? 17 A. No. 18 Q. Have you ever been a defendant to a 19 lawsuit before? 20 A. No. 21 Q. As, you know, Tom had mentioned earlier, 22 he's going to be asserting attorney-client 23 privilege, and so I'm going to ask you some 24 questions about what you did to prepare for your</p>	<p style="text-align: right;">Page 7</p> <p>1 A. Maybe about a half an hour to an hour. 2 Q. So they were separate meetings? 3 A. Well, Mike Persoon came in kind of at 4 the end. 5 Q. That's fine. Did you review any 6 documents at this meeting? 7 A. At this meeting? 8 Q. At the meeting that we are talking 9 about, yeah, with your attorneys. 10 A. Yes. 11 Q. Do you recall what documents those were? 12 MR. GEOGHEGAN: Well, I object to any 13 discussion of documents that might reveal -- or I 14 object to this question on attorney-client 15 privilege. You can ask him what documents he 16 looked at. 17 MR. HAYES: Isn't that what I asked? 18 MR. GEOGHEGAN: No. You asked in the presence 19 of your lawyers what documents did you look at. 20 BY MR. HAYES: 21 Q. Okay. What documents did you review to 22 prepare for this deposition today? 23 A. I reviewed the documents that I have had 24 in my possession since 2010, 2011, maybe 2012.</p>
<p style="text-align: right;">Page 6</p> <p>1 dep. I don't want to know at this point what you 2 talked to him about in terms of preparing, but I'm 3 just going to ask you some general questions. 4 Okay? 5 A. Yes. 6 Q. Okay. So what did you do to prepare for 7 your deposition today? 8 A. I met with the firm. 9 Q. Okay. By "the firm," do you mean 10 Mr. Geoghegan here? 11 A. And other attorneys as well. 12 Q. Okay. Would that have been Mr. Persoon? 13 A. Yes. 14 Q. Anyone else in the room? 15 A. No. 16 Q. And when did you meet with him? 17 A. I can't recall. 18 Q. Okay. Was it within the last week or 19 so? 20 A. Yes. 21 Q. Okay. About how long was that meeting? 22 A. Maybe about either -- with Geoghegan or 23 with Persoon? 24 Q. Let's start with Geoghegan first.</p>	<p style="text-align: right;">Page 8</p> <p>1 Q. Okay. And specifically what documents 2 are you referring to? 3 A. Just correspondence that I have sent to 4 the chief judge, to Mike Rohan, to Rose Golden, to 5 William Patterson, to deputy chief probation 6 officers, information that I have sent to the 7 plaintiffs in the case, information that I have 8 sent to possibly other entities in regards to the 9 systemic issues that was impacting on the Office of 10 the Chief Judge. 11 Q. Can you ballpark, how many pages are we 12 talking about here? 13 A. Over 8,000. 14 Q. Okay. And these are all in your 15 personal possession? 16 A. Yes. 17 Q. And these, you know, 8,000-plus pages, 18 do they all refer to the allegations in this 19 lawsuit, or are there some that are outside? 20 A. I think the bulk of the information 21 particular to this issue is pertaining to the 22 issues that was impacting juvenile probation. 23 Q. All right. 24 A. So I think all of the documents kind of</p>

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<p>1 lead back to the same issue, to be quite honest 2 with you.</p> <p>3 Q. The issues that are in this lawsuit?</p> <p>4 A. Well, not just those particular issues 5 that are present, but like I have said before, I 6 think I believe that there was a systemic issue of 7 systematically racial discrimination taking place 8 in juvenile probation.</p> <p>9 Q. And these documents, you said, were 10 starting around 2010; is that right?</p> <p>11 A. I believe so.</p> <p>12 Q. And I wrote 2012 here. Is that where 13 they end, or do they go up to the present?</p> <p>14 A. They kind of go up to the present 15 because probation officers are still complaining 16 about racial discrimination within the department.</p> <p>17 Q. All right. When you say department -- 18 and I'll do this, too -- you are referring to the 19 juvenile probation department; is that right?</p> <p>20 A. No.</p> <p>21 Q. What are you referring to?</p> <p>22 A. I'm referring to the Office of the Chief 23 Judge, his department plus the juvenile probation 24 department.</p>	<p>Page 9</p> <p>1 make sure that when you say "department," you 2 either clarify what you are referring to going 3 forward. Does that make sense?</p> <p>4 A. Sure. So we can clarify that the chief 5 judge is the employer.</p> <p>6 Q. We'll get into that.</p> <p>7 A. Okay. I just want to make sure.</p> <p>8 Q. No. I'm aware of the position of the 9 plaintiffs on that.</p> <p>10 A. Well, the collective bargaining 11 agreement.</p> <p>12 Q. I'm not getting into the legal 13 arguments. I just wanted to make a clear record.</p> <p>14 So why don't we start with -- so we have 15 the Office of the Chief Judge, right?</p> <p>16 A. Right.</p> <p>17 Q. And what does -- what is your 18 understanding of what the Office of the Chief Judge 19 oversees?</p> <p>20 A. It oversees the adult probation 21 department, juvenile probation department, social 22 services department, forensics, the clinical 23 department, and some other departments that are 24 under the chief judge, the Juvenile Temporary</p>
<p>Page 10</p> <p>1 Q. Okay. You view them as the same entity?</p> <p>2 A. I do. The department doesn't.</p> <p>3 Q. Okay. And I think we just need to kind 4 of clarify where we are going. If you are saying 5 "department" and you are referring to the Office of 6 the Chief Judge, and then I know that other -- or 7 at least I refer to it as the JPD, which is the 8 juvenile probation department, as "the department." 9 So I guess if you don't clarify, I will do it. If 10 we can try to stick to JPD for the juvenile 11 probation department. Is that okay?</p> <p>12 A. No.</p> <p>13 Q. You don't want to call it the JPD?</p> <p>14 A. Department or --</p> <p>15 Q. I'm just trying to get -- I know. I'm 16 kind of confused too. I'm just trying to get a 17 clear record because we are going to get this 18 written transcript back, and the things are going 19 to say "department." When you say "department," if 20 you are referring to the Office of the Chief Judge 21 and not the juvenile probation department, it's not 22 going to be clear. Or sometimes if you say 23 "department" and maybe you are referring to the 24 JPD, it's just going to be confusing. So I want to</p>	<p>Page 11</p> <p>1 Detention Center.</p> <p>2 Q. So there are several different 3 departments under the Office of the Chief Judge; is 4 that right?</p> <p>5 A. Yes.</p> <p>6 Q. I just wanted a clear record. I'm not 7 trying to box you in to some legal argument here.</p> <p>8 A. I understand.</p> <p>9 Q. Outside of, you know, the -- your 10 attorneys here, have you spoken with anyone else 11 about your deposition in the last month or so?</p> <p>12 A. Just my fiancee.</p> <p>13 Q. Did you speak to the other plaintiffs in 14 this case about your deposition?</p> <p>15 A. No.</p> <p>16 Q. Have you spoken to any of your other 17 coworkers about your deposition today?</p> <p>18 A. I believe my supervisor knows about my 19 deposition today because I had to take a leave.</p> <p>20 Q. And who is your supervisor?</p> <p>21 A. Benny Blair.</p> <p>22 Q. Benny?</p> <p>23 A. Yes.</p> <p>24 Q. Blair?</p>

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1	A. Yes.	1	probation officer trainee.
2	Q. B-l-a-i-r, does that sound right?	2	Q. And how long were you a trainee for?
3	A. Yes, that's correct.	3	A. About seven weeks.
4	Q. Okay. Outside of Mr. Blair, have you	4	Q. And then what happened?
5	talked to any other coworker about your deposition	5	A. I completed all of the prereqs, passed
6	today?	6	the final exam, and became a probation officer and
7	A. Not that I can recall.	7	7 was sworn in.
8	Q. I'm just going to go over some	8	Q. Sometime -- would that be sometime in
9	background questions here. Mr. Smith, what is your	9	June or July of 2003?
10	date of birth?	10	A. June, yes.
11	A. 9/21/78.	11	Q. And where were you first stationed?
12	Q. Happy pre-birthday. For the record,	12	A. I was first stationed in home
13	what is your race?	13	confinement, electronic monitoring.
14	A. I'm African-American.	14	Q. And how long were you in electronic
15	Q. Are you married -- I'm sorry. You are	15	monitoring for?
16	not married, right, because you just mentioned your	16	A. Almost 18 months.
17	fiancee; is that correct?	17	Q. Okay. What were your job
18	A. That's correct.	18	responsibilities in electronic monitoring?
19	Q. Do you have any children?	19	A. My job responsibilities were to go out
20	A. No.	20	into the field, make sure that the juveniles was at
21	Q. How far have you gone in school?	21	home because they were under house arrest, to
22	A. I have my master's degree.	22	monitor their movement, to give them permission to
23	Q. From where?	23	move, to go to school, go to the doctor, to go to
24	A. From Governors State University.	24	church.
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1	Q. And when did you get that?	1	In addition to that, my responsibilities
2	A. 2009.	2	was to come back, complete whatever necessary
3	Q. And what is your master's degree in?	3	paperwork, submit it, file any violations of house
4	A. Criminal justice.	4	arrest or electronic monitoring, and to testify in
5	Q. What is your bachelor's in?	5	court.
6	A. Business.	6	Q. After electronic monitoring, where did
7	Q. And where is that from?	7	you go?
8	A. Governors State University.	8	A. I elected to go into the field as a
9	Q. Is that a B.S. or B.A.?	9	field probation officer.
10	A. B.A.	10	Q. Okay. Is that something that you asked
11	Q. When did you get that?	11	to do?
12	A. 2002.	12	A. Yes.
13	Q. Any other education past your master's	13	Q. And how does that work, or how did that
14	degree?	14	work for you?
15	A. No.	15	A. So typically in the collective
16	Q. Kind of another general question. Have	16	bargaining agreement, you have to put in a
17	you ever been convicted of a felony?	17	transfer, and when there are openings within that
18	A. No.	18	unit, the department will grant you your transfer.
19	Q. All right. Now I'm going to talk about	19	Q. Is that what you did?
20	your employment history a little bit. When did you	20	A. I did.
21	first start your employment with the JPD?	21	Q. Okay. And then where were you a field
22	A. April 3, 2003.	22	probation officer?
23	Q. And what was your position at that time?	23	A. I was a field probation officer in the
24	A. Initially, at that time I was a	24	Chicago West unit, located in the Lawndale area.

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<p style="text-align: right;">Page 17</p> <p>1 Q. Okay. And how long were you in that, I 2 guess, location?</p> <p>3 A. I have been in that position for 4 13 years.</p> <p>5 Q. You are still there?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. Now, we are going back a ways. 8 If you remember, when you started at the JPD, what 9 was your salary?</p> <p>10 A. I believe my salary was maybe 32.</p> <p>11 Q. 32,000 per year?</p> <p>12 A. Well, I'll be a little bit more 13 generous, maybe 38.</p> <p>14 Q. Just roughly. That is fine. What is 15 your current salary?</p> <p>16 A. 71.</p> <p>17 Q. So it's safe to say that you have 18 received raises over that time period, correct?</p> <p>19 A. That's correct.</p> <p>20 Q. Were all of your raises contractually 21 mandated?</p> <p>22 A. Yes.</p> <p>23 Q. And just for the record, you understood 24 my question. When I say "contractually mandated,"</p>	<p style="text-align: right;">Page 19</p> <p>1 Q. And you said you were a motivational 2 speaker; is that right?</p> <p>3 A. Yes.</p> <p>4 Q. And did you say that was for the JPD?</p> <p>5 A. Yes.</p> <p>6 Q. Could you explain what that entailed?</p> <p>7 A. So there was a -- I was employed by the 8 West Side Association for Community Action as a 9 peer counselor starting in 1995. When the whole 10 alternative to detention was implemented, Mike 11 Rohan and the juvenile probation department asked 12 me to go out and speak on behalf of the alternative 13 to detention for juvenile probation. I introduced 14 people from various offices, from the Department of 15 Justice, went to different probation departments, 16 Indiana, flew out to Dallas, Florida, Indiana, and 17 Mexico for the KCE Foundation.</p> <p>18 Q. What is that?</p> <p>19 A. It is an organization that provides 20 grant funding for certain projects, particularly 21 under the juvenile probation department.</p> <p>22 Q. And so what is the time frame that you 23 are speaking about on behalf of the JPD?</p> <p>24 A. From 1996 to 2010, 2011.</p>
<p style="text-align: right;">Page 18</p> <p>1 they were called for in the CBA, right?</p> <p>2 A. That's correct.</p> <p>3 Q. Immediately prior to working for the 4 JPD, where did you work?</p> <p>5 A. I was a sergeant for the Department of 6 Corrections in Wisconsin. I also was a keynote -- 7 was a speaker, motivational speaker, going out to 8 various places on behalf of the department prior to 9 my official position as a probation officer.</p> <p>10 Q. We'll take that each one. When you were 11 with the Wisconsin Department of Corrections, when 12 did you start there?</p> <p>13 A. I believe I started with the Wisconsin 14 Department of Corrections in December of 2000.</p> <p>15 Q. And when did you leave there?</p> <p>16 A. I believe it was April of 2002 -- I'm 17 sorry -- March of 2002. No, I'm sorry. I'm 18 getting my dates confused.</p> <p>19 Q. I understand we are going back a ways.</p> <p>20 A. I had to start with the Wisconsin 21 Department of Corrections December of 2001 because 22 I left and came to juvenile probation and back to 23 Chicago, March of 2003, and then I started my 24 assignment at juvenile probation.</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. So you were speaking on their behalf 2 both prior and during your employment with JPD?</p> <p>3 A. Yes.</p> <p>4 Q. And prior to your employment with JPD, 5 did you receive payment for your speaking 6 engagements?</p> <p>7 A. I did.</p> <p>8 Q. Approximately how much, if you know?</p> <p>9 A. Each entity would roughly paid me maybe 10 about \$900, \$1,000.</p> <p>11 Q. And you mentioned Mike Rohan, and just 12 for the record, who is he?</p> <p>13 A. He's the former director of juvenile 14 probation.</p> <p>15 Q. I'm going to ask you this question about 16 just about everyone you mentioned just because this 17 is a race case, but what is his race?</p> <p>18 A. He's white.</p> <p>19 Q. And did you know Mr. Rohan prior to 20 being retained for these speaking engagements?</p> <p>21 A. Yes.</p> <p>22 Q. How?</p> <p>23 A. Because the West Side Association for 24 Community Action had the evening reporting program,</p>

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<p style="text-align: right;">Page 21</p> <p>1 which was connected to the juvenile probation 2 program as an alternative to detention. 3 Q. When would you say that you first met 4 Mr. Rohan? 5 A. 1996. 6 Q. Okay. Now I just want to focus on your 7 time at JPD. 8 A. Okay. 9 Q. While you have been employed at the JPD, 10 have you received any merit bonuses? 11 A. I have. 12 Q. Could you explain what a merit bonus is? 13 A. A merit bonus is exceeding expectations 14 throughout the course of the year regarding your 15 performance and fulfilling your job expectations 16 and duties. 17 Q. And is a merit bonus something that you 18 get based on a good performance review? 19 A. That's correct. 20 Q. So you would receive that once a year; 21 is that right? 22 A. Yes. 23 Q. Do you know how many times you received 24 a merit bonus during your employment with JPD?</p>	<p style="text-align: right;">Page 23</p> <p>1 Q. Does anyone at the JPD get merit 2 raises -- you know, merit raises that are not 3 mandated on a CBA? 4 A. Yeah. 5 Q. Do you know anybody who has? 6 A. Deputy chief probation officers. 7 Q. So people at the supervisory level? 8 A. Yes, management. 9 Q. Management. Are they in the union or 10 no? 11 A. They are not. 12 Q. So they get raises outside of the union 13 contract, right? 14 A. That's correct. 15 Q. But no one in the union contract will 16 get merit raises; is that right? 17 A. Not that I know of outside of the CBA. 18 Q. During your time at the JPD, have you 19 ever been disciplined? 20 A. No. 21 Q. Have you ever been suspended while at 22 the JPD? 23 A. Could you define suspended? 24 Q. Yeah. Here, we'll use a document. It</p>
<p style="text-align: right;">Page 22</p> <p>1 A. 14 years. 2 Q. So every year? 3 A. Yes. 4 Q. Again, I'm trying to peg down a number 5 here. Do your best. How much are we talking about 6 for these merit bonuses? 7 A. On the average, \$400 a year. 8 Q. Has it gone up over time? 9 A. No, it has not. It all depends on how 10 many probation officers actually exceed in that 11 year, so all of the probation officers split a pot. 12 Q. I see. Outside of these merit bonuses, 13 do you receive any other bonuses or extra pay at 14 JPD? 15 A. No. 16 Q. Okay. 17 A. If you want to count compensatory time. 18 Q. No, we are not counting that, but thanks 19 for thinking of that. 20 Outside of your CBA raises, did you ever 21 receive a merit raise? 22 A. Outside of the CBA? 23 Q. Yeah. 24 A. No.</p>	<p style="text-align: right;">Page 24</p> <p>1 will be easier. 2 A. Okay. 3 MR. HAYES: No. 1. 4 (WHEREUPON, a certain document was -10:-22:-47 marked Smith Deposition Exhibit -10:-22:-47 No. 1, for identification.) -10:-22:-47 BY MR. HAYES: 8 Q. Okay. Mr. Smith, you have been handed 9 what has been marked as Exhibit 1. I'm going to -- 10 well, the court reporter will be handing you 11 several exhibits throughout your deposition today, 12 so keep them in front of you and she will collect 13 them at the end. 14 A. Okay. 15 Q. So when I gave them to you, what I want 16 you to do is look it over and then I'm going to ask 17 you some questions about it. Okay? 18 A. Yes. 19 Q. And, for the record, I always like to 20 get the Bates number, which is a little number 21 which is in the right-hand corner. That also helps 22 us to navigate. For the record, the Bates number 23 on Exhibit 1 is Defendant 8538 and 8539. 24 Mr. Smith, have you seen this document</p>

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1 before?	1 don't believe the temporary suspension is
2 A. I have.	2 discipline, right?
3 Q. And what is that?	3 A. According to the department, it was not
4 A. It's my reinstatement for falsely being	4 discipline. That is the language that they use.
5 accused of a crime that I did not commit.	5 Q. Outside of this suspension and the
6 Q. And the date of it is November 1, 2010,	6 temporary suspension in 2010, have you ever
7 right?	7 received any other temporary suspension?
8 A. Yes.	8 A. No.
9 Q. And I'll just read a little bit of it.	9 Q. And it says here that you received the
10 The first sentence says, On May 3, 2010, you are	10 pay that you did not get during the temporary
11 informed that effective May 4, 2010, you are being	11 suspension, right?
12 temporarily suspended without pay resulting from	12 A. They restored me. They gave me all of
13 your arrest on April 29, 2010, for domestic	13 the money that I missed during that time, my
14 battery. Do you see that?	14 vacation time, my personal days, and plus they paid
15 A. Yes.	15 me out for my compensatory time.
16 Q. So is it true that you were suspended on	16 Q. Is it a policy that an employee of JPD
17 May 4, 2010?	17 goes on temporary suspension when they are
18 A. No.	18 arrested?
19 Q. You were not suspended?	19 A. Yes.
20 A. It's a temporary suspension. It's	20 Q. Are you aware of other JPD employees
21 within the CBA. Any time a probation officer is	21 being put on temporary suspension when they have
22 arrested, the department can invoke or not invoke	22 been arrested?
23 the temporary suspension.	23 A. Yes, and some not.
24 Q. And what is a temporary suspension then?	24 Q. So during your time at JPD, you have
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1 A. A temporary suspension is when the	1 never received a verbal reprimand?
2 department believes that you are a threat to the	2 A. No.
3 work force or that you have been arrested.	3 Q. Or a written reprimand?
4 Q. And that is in the CBA?	4 A. No.
5 A. Yes, it is.	5 Q. Or a regular suspension?
6 Q. All right. And it's different from a	6 A. No.
7 regular suspension?	7 Q. Was there anything else that was
8 A. Yes.	8 discipline? I can't remember.
9 Q. All right. What is a regular	9 A. Just termination.
10 suspension?	10 Q. And you clearly have not been
11 A. It's actually discipline.	11 terminated, right?
12 Q. All right. So we'll take this in two	12 A. Correct.
13 steps. First, you don't consider the temporary	13 Q. As an employee of the JPD, are you in a
14 suspension discipline; is that right?	14 union?
15 A. It's not.	15 A. Yes.
16 Q. And is that written in the CBA?	16 Q. Okay. Which one?
17 A. It's spelled out in the CBA that the	17 A. AFSCME Local 3477.
18 only thing that you can get for discipline is	18 Q. And would that be for your entire time
19 verbal, written reprimand, suspension, or	19 employed with the JPD?
20 termination. It does not say temporary suspension.	20 A. Yes.
21 And that is something that has been negotiated with	21 Q. During your employment with JPD, have
22 the chief judge in all of the CBAs.	22 you held any position within the union?
23 Q. So when I asked you if you had received	23 A. Yes.
24 discipline, you said no, and that is because you	24 Q. Okay. Could you describe those, please?

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1 A. I started off as a steward.		1 one, if you know, as you sit here today?	
2 Q. Give me when that was.		2 A. I'm not sure.	
3 A. 2011.		3 Q. Any other positions in the union during	
4 Q. And just briefly, what does a steward		4 your employment with JPD?	
5 do?		5 A. I was the political action committee	
6 A. A steward represents members in the		6 chairperson.	
7 bargaining unit. They try to resolve grievances,		7 Q. First, when was that?	
8 they file grievances, they speak to management		8 A. 2012, I believe.	
9 regarding violation of the policies or the CBA.		9 Q. Okay. For how long?	
10 Q. Okay. And how long were you a steward		10 A. No, it was 2011. For maybe about a	
11 for?		11 year.	
12 MR. GEOGHEGAN: Off the record.		12 Q. And now what is that?	
13 (WHEREUPON, discussion was had off		13 A. It's a position where they go out, they	
14 the record.)		14 try to meet with certain politicians, they	
15 BY MR. HAYES:		15 participate in certain political events, they back	
16 Q. How long were a steward for?		16 certain candidates, they give recommendations about	
17 A. About a year -- I'm sorry. Five years.		17 certain candidates who is running for office to ask	
18 Q. So you were a steward approximately 2011		18 and counsel to everyone.	
19 through 2016, does that sound right?		19 Q. That sounds familiar. Was either	
20 A. Yes.		20 Mr. Nelson or Mr. Chapman in that role at some	
21 Q. During your time at the JPD, did you		21 point?	
22 hold any elected position in any way?		22 A. Yes.	
23 A. Vice president.		23 Q. Which one or both, if you know?	
24 Q. When was that?		24 A. I believe Mr. Chapman was in that role.	
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1 A. 2012.		1 Q. Would that have been before or after	
2 Q. For how long?		2 you, if you know?	
3 A. To 2014.		3 A. I believe it was after me.	
4 Q. And who was the president at that time?		4 Q. All right. During the whole time you	
5 A. In 2014?		5 were vice president and president, you were also a	
6 Q. 2012 to 2014.		6 steward; is that right?	
7 A. Avik Das -- no. I'm sorry. Mike		7 A. That's correct.	
8 Willis.		8 Q. How does one become a steward?	
9 Q. After vice president did you hold any		9 A. It all depends on who is actually the	
10 other role in the union?		10 leadership for the union. Normally, for my	
11 A. I became president.		11 particular situation, I was asked to become a	
12 Q. In what year?		12 steward.	
13 A. 2014.		13 Q. Who asked you?	
14 Q. All right. That is elected, right?		14 A. Avik Das.	
15 A. Vice president and president, yes.		15 Q. I'm imagining, he's going to come up a	
16 Q. And how long were you president for?		16 lot today, so let say, who is Avik Das?	
17 A. Two years.		17 A. Avik Das right now is the chief	
18 Q. Through 2016?		18 probation officer/acting director of juvenile	
19 A. Yes.		19 probation.	
20 Q. Who is the president now?		20 Q. And, again, what is his race, if you	
21 A. Lloyd Marshall.		21 know?	
22 Q. When is the next election?		22 A. I believe he is -- I don't know, Indian.	
23 A. 2018.		23 Q. How long have you known Mr. Das?	
24 Q. All right. Are you going to run in that		24 A. Since 2011.	

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<p style="text-align: right;">Page 33</p> <p>1 Q. You are not a steward right now, right? 2 You are not a steward now, right? 3 A. Yes. 4 Q. Do you want to be a steward now? 5 A. No. 6 Q. While you were vice president and 7 president of the union, how much of your time would 8 you spend on union activities? 9 A. I believe throughout my tenure, some 10 people would tell you that I slept and ate my union 11 activities. 12 Q. I'm sorry. That you what? 13 A. That I slept and ate, so from the 14 morning to the night. Even at night, just becoming 15 familiar with certain laws, the CBA, the Illinois 16 Public Labor Relations Act, and different aspects 17 of certain laws that impact bargaining members, 18 their constitutional rights, their civil rights. I 19 pretty much studied day and night. 20 Q. While you were either president or vice 21 president of the union, did you still maintain an 22 active caseload? 23 A. Yes. 24 Q. So that does not change, based on your</p>	<p style="text-align: right;">Page 35</p> <p>1 ever made any direct decisions regarding your 2 employment? 3 A. Yes. 4 Q. And what were they? 5 A. I'm assuming to hire me. 6 Q. You say "assuming." Why would you 7 assume that? 8 A. Outside of the law? 9 Q. Yeah. 10 A. I believe that I had to submit my 11 credentials to the administrative offices of the 12 Illinois courts. I had to apply to his office. He 13 is the chief judge, so he makes the final decision 14 and all decisions regarding the probation officers. 15 Q. How do you know he makes the final 16 decision -- let me strike that because I know where 17 you might go with that. 18 Do you have any personal knowledge of 19 him making the final decision of -- final 20 employment decisions of JPD employees? 21 MR. GEOGHEGAN: Objection. That question, 22 first of all, calls for a legal conclusion in and 23 of itself, but it needs some clarification, I 24 think.</p>
<p style="text-align: right;">Page 34</p> <p>1 role in the union? 2 A. No. 3 Q. Okay. We have touched upon this a 4 little bit, but I want to ask you some questions 5 about the chief judge. Are you familiar with the 6 chief judge of the Circuit Court of Cook County? 7 A. I am. 8 Q. And who is he? 9 A. Timothy Evans. 10 Q. And do you consider him your employer? 11 A. He is the employer. 12 Q. Why do you say that? 13 A. Well, according to the law, according to 14 the CBA, according to the arbitration decisions, 15 they all say that the chief judge is the ultimate 16 employer. There was a lawsuit filed by AFSCME 17 Council 31 regarding the chief judges in the 18 different counties, and there was a dispute 19 regarding if Cook County was a dual employer. 20 It was determined by the Court that the 21 chief judge was the employer for the probation 22 officers. 23 Q. Setting aside the law for a second, your 24 experience working at the JPD, has the chief judge</p>	<p style="text-align: right;">Page 36</p> <p>1 BY MR. HAYES: 2 Q. All right. It was a little roundabout. 3 Do you have any personal knowledge of 4 Judge Evans making any decisions regarding your 5 employment while at JPD? 6 A. Regarding my employment? Outside of the 7 CBA and the law, no. 8 Q. Okay. 9 MR. GEOGHEGAN: I'm assuming for the record 10 here, some firsthand observation of the judge doing 11 something? 12 MR. HAYES: I said personal knowledge, so that 13 should have -- I think it comes -- 14 BY THE WITNESS: 15 A. That affects me personally? 16 BY MR. HAYES: 17 Q. Right, your employment personally. 18 MR. GEOGHEGAN: That you saw or have direct -- 19 BY MR. HAYES: 20 Q. Right. That is what I was subsuming 21 into personal knowledge. 22 A. Well, I mean, outside of him sending me 23 a letter congratulating me on a well speech when I 24 was a keynote speaker in Oak Brook, I'm assuming</p>

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<p style="text-align: right;">Page 37</p> <p>1 not.</p> <p>2 Q. So you got a personal letter from Judge</p> <p>3 Evans?</p> <p>4 A. Yes.</p> <p>5 Q. When was that?</p> <p>6 A. June of 2003.</p> <p>7 Q. Okay. Have you ever -- have you</p> <p>8 received any other direct correspondence from Judge</p> <p>9 Evans while working at the JPD?</p> <p>10 And let me clarify that. There is lots</p> <p>11 of documents that have him on the letterhead. I</p> <p>12 know that, but when I say "personal</p> <p>13 correspondence," I say signed by him or an e-mail</p> <p>14 from him.</p> <p>15 MR. GEOGHEGAN: Let me see if I understand the</p> <p>16 question. You mean, does he have documents that he</p> <p>17 received either in a personal capacity or union</p> <p>18 officer capacity or any other capacity that have</p> <p>19 been signed by Judge Evans?</p> <p>20 MR. HAYES: Sure. That is a good question.</p> <p>21 THE WITNESS: I don't know if that is what he</p> <p>22 means or not, but those are certain things --</p> <p>23 MR. GEOGHEGAN: You don't have to produce any</p> <p>24 documents.</p>	<p style="text-align: right;">Page 39</p> <p>1 limited basis by the probation and Probation</p> <p>2 Officer Act, JPOs have not traditionally exercised</p> <p>3 this authority.</p> <p>4 And this is in regards to the Aaron</p> <p>5 Parks case and why that certain kid was not</p> <p>6 arrested, because EM officers don't have the</p> <p>7 authority to go out to arrest, and then he talks</p> <p>8 about his concern about firearms. This idea will</p> <p>9 have an erosion effect on the supportive</p> <p>10 relationship that is the characteristic of JPO</p> <p>11 work. Moreover, probation officer powers of arrest</p> <p>12 are limited to the violation of the terms of</p> <p>13 probation, which are not necessarily the same as a</p> <p>14 violation of the terms of EM.</p> <p>15 That we stand with the youth and are not</p> <p>16 afraid of them, despite the fact that the majority</p> <p>17 of the youth are the ones who are committing these</p> <p>18 violent acts within the City of Chicago. I am</p> <p>19 concerned about the compassionate face of our</p> <p>20 juvenile court and judges that JPO provide, and we</p> <p>21 strive to reflect the rehabilitative values of</p> <p>22 juvenile justice and the idea that JPOs are</p> <p>23 resources and support to young people and</p> <p>24 communities struggling with violence and crime. I</p>
<p style="text-align: right;">Page 38</p> <p>1 THE WITNESS: Okay. I gave them to them.</p> <p>2 BY MR. HAYES:</p> <p>3 Q. Well, let the record show that you just</p> <p>4 showed your attorneys some documents, so what</p> <p>5 documents did you bring with you today?</p> <p>6 A. The letter that the chief judge wrote to</p> <p>7 Commissioner Moore regarding the JPD officers not</p> <p>8 being able to arrest regarding the improvement of</p> <p>9 EM, where he mentioned that EM is now a 24-hour EM</p> <p>10 responsive shift. He talks about why juvenile</p> <p>11 probation officers don't carry firearms because you</p> <p>12 worry about the juvenile probation department</p> <p>13 image. The reason why juvenile probation officers</p> <p>14 don't arrest. Regarding the request that he filled</p> <p>15 the chief probation officer position.</p> <p>16 Also he talks about the tasks for each</p> <p>17 officer and how EM has been vastly improved. The</p> <p>18 judges making decisions --</p> <p>19 Q. Okay. And these --</p> <p>20 A. He talks about the violence in the</p> <p>21 community. He also cites that -- you have also</p> <p>22 asked that we provide the probation officers the</p> <p>23 power to arrest juvenile offenders who violate the</p> <p>24 terms of the EM. While this is allowed on a</p>	<p style="text-align: right;">Page 40</p> <p>1 mean, I don't know if that is --</p> <p>2 Q. That is fine. Since you are reading</p> <p>3 from them, I have those, I have seen those, but I</p> <p>4 would like to make those an exhibit just because</p> <p>5 rather than not have to go dig through them. So</p> <p>6 I'll make copies, but can you leave them out?</p> <p>7 MR. GEOGHEGAN: Leave them?</p> <p>8 MR. HAYES: Yeah. Can we go off the record?</p> <p>9 (WHEREUPON, discussion was had off</p> <p>10 the record and Exhibit No. 2 was</p> <p>11 marked for identification.)</p> <p>12 MR. HAYES: Okay. Back on.</p> <p>13 BY MR. HAYES:</p> <p>14 Q. Mr. Smith, I just handed you what has</p> <p>15 been marked as Deposition Exhibit 2. These are the</p> <p>16 documents that you brought with you today -- some</p> <p>17 of the documents that you brought with you today</p> <p>18 that you were just reading from; is that right?</p> <p>19 A. Yes.</p> <p>20 Q. All right. I'll put that aside for now.</p> <p>21 Going back to my question, I just -- I think I just</p> <p>22 want a yes or no, if you remember.</p> <p>23 During your time at JPD, did you --</p> <p>24 other than the letter that we already discussed,</p>

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1 did you personally receive any other correspondence 2 from Chief Judge Evans, for example, to Jason Smith 3 from Timothy Evans? 4 A. Not that I can recall at this time, but 5 I'm sure if I had more paperwork or more of my 6 documents, I could provide a more direct answer. 7 Q. As you are sitting here now, you can't 8 think of anything, right? 9 A. Not at this time. 10 Q. Okay. And I believe you testified that 11 you believed Judge Evans was involved in your 12 hiring; is that right? 13 A. Yes. 14 Q. Were there any other facets of your 15 employment that you believe Judge Evans was 16 directly involved in? 17 A. Besides the fact that Mike Rohan told me 18 that he would speak to the chief judge about me 19 becoming a probation officer if I spoke out in 20 Oak Brook, no. 21 Q. In your position as field probation 22 officer, who is your direct supervisor now? 23 A. Benny Blair. 24 Q. And what is Mr. Blair's title?	1 A. Davoren, yes. 2 Q. And what is her race? 3 A. She's white. 4 Q. Is she with JPD anymore? 5 A. I think so. I think she's out in 6 Skokie. 7 Q. And she was your direct supervisor -- 8 was it supervisory probation officer; is that 9 right? 10 A. Yes. 11 Q. When you received your temporary 12 suspension in 2010, do you know who made the 13 decision to do that? 14 A. I believe it was Mike Rohan. 15 Q. And what was his position at that time? 16 A. He was the director. 17 Q. Of? 18 A. Juvenile probation. 19 Q. Just for the record. Have you ever 20 personally met Chief Judge Evans? 21 A. Yes. 22 Q. How many times? 23 A. Over -- maybe over 10 to 15. 24 Q. And if you can generalize, great. If
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1 A. Supervisor, probation officer. 2 Q. And then who is Mr. Blair's supervisor? 3 A. Mr. Dennis Alexander. 4 Q. And what is his title? 5 A. He's the deputy chief probation officer. 6 Q. The race of Mr. Blair, I don't think 7 that we have that? 8 A. He's African-American. 9 Q. Mr. Alexander's race? 10 A. He's African-American. 11 Q. So who -- who tells you what to do on a 12 daily basis in terms of your duties as a field 13 probation officer? 14 A. Mr. Blair. 15 Q. And then I'm sure you have had different 16 supervisors while you have been employed at JPD, 17 right? 18 A. Just one more. 19 Q. Oh, and who was that? 20 A. Mary Davoren. 21 Q. Could you take a stab at spelling that 22 last name? 23 A. D-a-v-o-r-e-n. 24 Q. Davoren; is that right?	1 not, then give me specifics. What were the reasons 2 for you meeting with the chief judge? 3 A. The first time was he congratulated me 4 on a speech. I tried to make appointments with his 5 office to talk about what was taking place in 6 juvenile probation. I saw him at different 7 commission meetings, Cook County board meetings, 8 and spoke to him on several occasions when he would 9 actually appear. I believe that I met him a couple 10 of times when he would come down to juvenile 11 probation for different events. So, yeah, I met 12 him a couple of times. 13 Q. Did you ever have a sit down meeting 14 with Chief Judge Evans regarding any allegations of 15 discrimination in the JPD? 16 A. No. I tried several times to make 17 appointments with his office. I would always get 18 his secretary. She would refer me to his 19 voicemail, but I did -- 20 Q. Sorry. Go ahead. 21 MR. GEOGHEGAN: Let him -- 22 MR. HAYES: Yeah, go ahead. 23 BY THE WITNESS: 24 A. I did talk to him briefly as we were

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1 walking through the county building halls regarding 2 what was taking place in juvenile probation. 3 BY MR. HAYES: 4 Q. When was this? 5 A. I believe it was -- I organized 6 100 probation officers to go down to the county 7 building when they was getting laid off, and he was 8 at the county board meeting, so maybe between 2014, 9 2015. 10 Q. Okay. 11 A. Maybe a little bit before then. 12 Q. Okay. And you say that you briefly 13 talked to him. How long was your conversation? 14 A. Roughly about seven to eight minutes. 15 He told me that he would like to hear more, to make 16 an appointment with his office. 17 Q. Did you do that? 18 A. I tried on several occasions. 19 Q. Okay. And outside of that, you never 20 sat down with him regarding any allegations of 21 discrimination? 22 A. No. 23 Q. Did you sit down with anyone from the 24 chief judge's office regarding your allegation of	1 A. From 2012 to 2016. 2 Q. Okay. You also said that you sat down 3 with Keith Sevcik; is that right? 4 A. Yes. 5 Q. And who is Mr. Sevcik? 6 A. I believe he's the legal counsel for the 7 Office of the Chief Judge. 8 Q. How many times did you meet with him 9 regarding allegations of racial discrimination over 10 at JPD? 11 A. More than ten. 12 Q. When you talk about sitting down with 13 folks and Mr. Sevcik about allegations of racial 14 discrimination, are you referring to grievance 15 hearings, or are these separate hearings? 16 A. No, we are referring to grievances. 17 That was the formal process. 18 Q. Would that be the same thing when you 19 are talking about Mr. Wisniewski? 20 A. Wisniewski. 21 Q. Wisniewski, do you know how to spell 22 that? If you don't know, don't worry about it. 23 A. W-i-e-n-s-k-w-i. 24 Q. Was it -- were those grievance hearings
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1 discrimination? 2 A. Bruce Wisniewski, Keith Sevcik. 3 Q. Who is Bruce Wisniewski? 4 A. He was the human resource administrator 5 for the Office of the Chief Judge. 6 Q. And when was that meeting? 7 A. It was several times because I filed so 8 many grievances, that each time I would go down 9 there, Bruce would say to me, You again? 10 Q. Could you guess how many times? More 11 than five? 12 A. Yeah, more than five. 13 Q. More than ten? 14 A. More than ten. 15 Q. Now, were these meetings with 16 Mr. Wisniewski, were they to discuss the grievances 17 that you filed; is that right? 18 A. Yes. He would schedule the grievances. 19 Q. And are these grievances of individual 20 JPD employees? 21 A. Some individuals and maybe one or two as 22 a group. 23 Q. Okay. And what was the time period for 24 these grievances?	1 with him as well? 2 A. One, and some of them was informal, when 3 he was scheduling the grievance hearings. 4 Q. What I want to do is separate out the 5 grievance hearings from any other sit down meetings 6 that you might have had with anyone at the chief 7 judge's office regarding race discrimination. 8 So setting aside the grievances, how 9 many meetings would you say that you had with 10 someone from the chief judge's office regarding 11 allegations of racial discrimination? 12 MR. GEOGHEGAN: But just to clarify this 13 question, you are not assuming in this question 14 that there were no discussions about race 15 discrimination in the grievances? 16 MR. HAYES: Correct. No, I'm setting aside 17 the grievance hearings. I don't want to talk about 18 the grievance hearings right now. 19 BY THE WITNESS: 20 A. So what we was told was that in order to 21 file a formal complaint was through the grievance 22 process. 23 BY MR. HAYES: 24 Q. Okay. So would that -- does that

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<p>1 mean -- I don't want to put words in your mouth, 2 but does that mean that you did not have any 3 meetings with anyone from the chief judge's office 4 outside of the grievance hearings regarding 5 allegations of race discrimination in the JPD?</p> <p>6 A. Informally, yes.</p> <p>7 Q. All right. So "informally," what do you 8 mean by that?</p> <p>9 A. So each time I would file a grievance, 10 Bruce Wisniewski and I would have a conversation 11 about the merit of the grievance. So inside his 12 office, I would bring up that there is some 13 disparity taking place regarding African-Americans 14 and the discipline that they are receiving and the 15 white officers within Cook County Juvenile 16 Probation.</p> <p>17 Then further conversation went into the 18 systemic issues that was impacting a particular 19 group of people, from certain probation officers 20 not being able to transfer, to proposals that 21 management was actually submitting to restructure 22 the department, to probation officers receiving 23 compensatory time.</p> <p>24 There was a lot of different issues that</p>	<p>1 A. Yeah, probably more than 20.</p> <p>2 Q. Okay. I know this gets tedious, but 3 more than 30?</p> <p>4 A. Honestly, I can't recall, but I can --</p> <p>5 Q. Go ahead.</p> <p>6 A. I can recall certain grievances that I 7 did file on behalf of officers who was complaining 8 about racial discrimination.</p> <p>9 Q. Okay. And then what happened in these 10 grievances that alleged race discrimination?</p> <p>11 A. All of them was denied.</p> <p>12 Q. When you say "denied," I just want to 13 get the procedure out.</p> <p>14 MR. GEOGHEGAN: Were you done with your 15 answer?</p> <p>16 THE WITNESS: Yeah.</p> <p>17 MR. GEOGHEGAN: I'm sorry.</p> <p>18 BY MR. HAYES:</p> <p>19 Q. When you say "denied," what is the 20 process?</p> <p>21 A. So the process is for the union to 22 present information and evidence, and each time I 23 met with Keith, Bruce, whoever, I would present the 24 information that was presented to me from our</p>
<p>1 was coming up throughout the course of the four 2 years that I was vice president and president 3 because I was able to look at certain information 4 that the department was providing to me.</p> <p>5 Q. Right. Believe me, I'm going to ask you 6 questions about that, so we'll get into that stuff.</p> <p>7 MR. GEOGHEGAN: Objection. If you wanted to 8 add any more to your answer, you can continue.</p> <p>9 BY MR. HAYES:</p> <p>10 Q. If you want to now, but I'm going to ask 11 questions on that too. Okay?</p> <p>12 A. No.</p> <p>13 Q. If you can put a number on it, how many 14 grievances did you file during this time period in 15 2012 to now or during -- sorry, strike that. That 16 was bad.</p> <p>17 During your tenure as vice president and 18 president of the union, how many grievances did you 19 file on behalf of JPD employees that alleged race 20 discrimination, if you can give me a number?</p> <p>21 A. I don't know.</p> <p>22 Q. Are we talking again more than ten?</p> <p>23 A. Yeah, more than ten.</p> <p>24 Q. More than 20?</p>	<p>1 department. Historical records, current 2 information that the department provided to me per 3 my release of requests for information, unfair 4 labor practices charges that I actually filed 5 against the Office of the Chief Judge to actually 6 compel the department to turn over certain 7 documents.</p> <p>8 So I would actually bring it up at each 9 step of the grievance process, and at each step 10 they would deny and deny that there was any racial 11 discrimination taking place within the department.</p> <p>12 Even when I showed them their own confidential 13 records regarding last chance agreements, regarding 14 the length of suspension that each probation 15 officer was receiving, they would still just deny 16 that there was any racial discrimination taking 17 place.</p> <p>18 The department is required to turn over 19 quarterly a transaction list of people who are on 20 leave, who have been suspended, who receive some 21 type of discipline, verbal reprimand, and I would 22 use the department information and convince them 23 because in our department, there's a thing called 24 disproportionate minority contact, where they are</p>

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<p>1 saying that the system or certain minorities are 2 having too much contact with the system and it's 3 based off race.</p> <p>4 Q. What do you mean by "the system"?</p> <p>5 A. The criminal justice system, so it's 6 called disproportionate minority contact. So I 7 would actually compare that to what was taking 8 place with Mike Rohan regarding the 9 African-American probation officers who was 10 actually receiving a six-month suspension or 11 three-month suspension compared to their 12 counterparts, which happened to be white probation 13 officers.</p> <p>14 And I actually used and showed Mike 15 Rohan an audit that was actually completed on each 16 unit within the department to show that there was 17 some disparity taking place when there was not a 18 recommendation for a particular officer who just 19 happened to be white and a particular officer who 20 happened to be black within that same unit.</p> <p>21 Q. And, again, just to be clear. I mean, I 22 think I have an understanding of the process, but I 23 want to make sure that we are on the same page 24 here. When you talk about grievances denied,</p>	<p>1 A. Yes.</p> <p>2 Q. Okay. And when was that?</p> <p>3 A. Before my tenure.</p> <p>4 Q. Okay. So of the grievances alleging 5 racial discrimination against JPD that you brought, 6 none were cut off before Step 4; is that right?</p> <p>7 A. No, that is not correct.</p> <p>8 Q. Okay. How was the -- tell me then 9 when -- if you can give me a specific example of 10 when a grievance that you filed alleging race 11 discrimination did not proceed to Step 4?</p> <p>12 A. Certain times certain probation officers 13 will be, prior to these meetings, that they did not 14 want to grieve, that they were afraid that they 15 were going to lose their job, and they would accept 16 whatever discipline that the department would 17 impose on them. So they would actually beg and ask 18 that the grievance be resolved or that the matter 19 be cut off even before it gets to the chief judge's 20 office.</p> <p>21 So sometimes I'm not directly involved. 22 The stewards are involved. They are supposed to 23 come and talk with the vice president and 24 president, but certain stewards was going rogue at</p>
<p>1 grievances have steps; is that right?</p> <p>2 A. Yes.</p> <p>3 Q. How many steps?</p> <p>4 A. It's supposed to be the supervisor, but 5 the department have taken the position, which is -- 6 I don't want to get into the legal terms.</p> <p>7 Q. How many steps are there?</p> <p>8 A. It's four or five.</p> <p>9 Q. Okay. And when you are meeting with 10 someone from the Office of the Chief Judge, be it 11 Keith or Bruce, what step is that?</p> <p>12 A. Or Kate Galbraith, or there was another 13 gentleman who was actually hearing the grievances, 14 too. He had passed away.</p> <p>15 Q. And what step is that, when you are 16 meeting with someone from the Office of the Chief 17 Judge?</p> <p>18 A. That is the fourth. That is the fourth 19 step.</p> <p>20 Q. Were any of these grievances that we 21 have been talking about alleging racial 22 discrimination, were they ever -- was the process 23 ever cut off of those grievances before getting to 24 Step 4?</p>	<p>1 that time, particularly a case of --</p> <p>2 Q. When you say "at that time," I just want 3 to be clear. Is that your vice presidency, 4 presidency time period?</p> <p>5 A. Yes. I could recall a particular issue 6 regarding the Kenneth Greenlaw case where the 7 supervisor, when I was present, had a steward in 8 there, and Mike Rohan had offered him, I think it 9 was -- he told him if he did not accept this 10 three-day suspension, it would be ten, so he would 11 accept the three-day suspension without actually 12 going through the entire process or going to the 13 Office of the Chief Judge.</p> <p>14 Q. Were you in there for that, in the 15 meeting where Mr. Rohan said, Accept the three or 16 you'll get ten?</p> <p>17 A. I have been in several meetings.</p> <p>18 Q. Just were you in that meeting?</p> <p>19 A. I was not in that meeting, but the 20 steward came back and told me.</p> <p>21 Q. Who is that steward, if you remember?</p> <p>22 A. Christen Loeb.</p> <p>23 Q. I'm going to ask the next question based 24 on your testimony. Correct me if I'm not getting</p>

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1 it right.	1 that?
2 Any of these grievances that we have	2 A. Yes.
3 been talking about that you brought for race	3 Q. Okay. And how did you know him?
4 discrimination against JPD during your presidency	4 A. I'm a friendly guy, so I have seen him
5 and vice presidency, are you aware of any of them	5 around the department a couple times, so I normally
6 being cut off at one of the steps prior to Step 4	6 try to speak to everyone that I come across.
7 by management refusing to hear it?	7 Q. While we are talking about the
8 A. By management refusing to hear a	8 department, what is the size -- how many employees
9 grievance?	9 does JPD have, if you know?
10 Q. Yeah.	10 A. My particular interest was just the
11 A. Unless it's not timely or if it was	11 juvenile probation officers, so I knew that the
12 procedurally done incorrectly, that might be the	12 department had over 300 juvenile probation officers
13 only reason, but I don't see any other time a	13 and that does not include the deputy chief
14 grievance would be cut off.	14 probation officers or management.
15 Q. Okay.	15 Q. This would have been the union
16 A. Not that I can recall. If I had more of	16 employees, right?
17 my paperwork in front of me, I believe that I could	17 A. Yes.
18 answer the question a little more accurately.	18 Q. While you were president of the union?
19 MR. GEOGHEGAN: Off the record for a second.	19 A. And vice president.
20 (WHEREUPON, discussion was had off	20 Q. Over 300. Are we talking about 305 or
21 the record.)	21 like 350?
22 MR. HAYES: Okay. Back on the record.	22 A. Maybe like roughly -- maybe like 320,
23 BY MR. HAYES:	23 330.
24 Q. Let's switch gears again a little bit,	24 Q. Okay. Do you socialize with Mr. Jordan
Page 58	Page 60
1 Mr. Smith. I want to talk a little bit about the	1 outside of work?
2 named plaintiffs in this case.	2 A. No.
3 A. Okay.	3 Q. Have you ever been to Mr. Jordan's
4 Q. Are you familiar with Anthony Jordan?	4 house?
5 A. I am.	5 A. Yes.
6 Q. How do you know Mr. Jordan?	6 Q. Okay. How many times?
7 A. I have represented him as president of	7 A. Once.
8 the union during the time that he was on his	8 Q. But not to socialize?
9 temporary suspension and terminated from the	9 A. He had a heart attack.
10 department.	10 Q. So you visited him after his heart
11 Q. So you were his steward for his	11 attack?
12 termination? Does that sound right?	12 A. Yes.
13 A. Yes.	13 Q. And when was that?
14 Q. Prior to that had you worked with	14 A. I can't recall. Maybe sometime last
15 Mr. Jordan?	15 year, when he had his heart attack.
16 A. No. I'm sorry. When you mean "worked,"	16 Q. But other than that, you have never seen
17 we worked in the same department.	17 Mr. Jordan outside of work?
18 Q. Right. That was actually not a great	18 A. No.
19 question.	19 Q. Okay. Are you familiar with Kenneth
20 Prior to representing him in his	20 Greenlaw?
21 temporary suspension termination proceedings, had	21 A. Yes.
22 you worked in the same unit with Mr. Jordan?	22 Q. How do you know Mr. Greenlaw?
23 A. No.	23 A. He's a probation officer that I
24 Q. Did you know of Mr. Jordan prior to	24 represented in the grievance hearing.

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1 Q. So you represented him in his 2 termination as well?	1 A. Yes. 2 Q. Okay. Why have you been to his house? 3 A. To prep for the grievance hearings. 4 Q. How many times would you say that you 5 have been to his house? 6 A. Maybe once or twice. 7 Q. Would you go to other officers' houses 8 to prep for grievance hearings? 9 A. If I can't meet with them during work 10 hours.
11 A. No. 12 Q. So is it fair to say that you did not 13 have the same direct supervisors; is that right, as 14 Mr. Greenlaw? 15 A. We all had different supervisors. 16 Q. All right. Do you socialize with 17 Mr. Greenlaw outside of work? 18 A. No. 19 Q. Have you ever been to Mr. Greenlaw's 20 house? 21 A. No. 22 Q. Okay. Do you know Patrick Nelson? 23 A. Yes. 24 Q. How do you know Mr. Nelson?	11 Q. So have you gone to other probation 12 officers' houses to prep for grievance hearings? 13 A. I have. 14 Q. Approximately how many other officers 15 would you say that you have been to their houses? 16 A. Or outside of the JPD? 17 Q. Yeah. 18 A. Maybe 20. 20, 30 probably. 19 Q. Okay. So I just went over four 20 individuals. Are you aware that these are the four 21 named plaintiffs in this lawsuit that you are here 22 for today, right? 23 A. Yes. 24 Q. Did you at any time ever tell any of the
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1 A. He's a probation officer in the 2 department. 3 Q. Did you help Mr. Nelson with any 4 grievance -- any of his grievances at the JPD? 5 A. I believe so. 6 Q. Okay. And do you know what those were 7 about -- sorry. Was it more than one? 8 A. Yes, it was more than one. 9 Q. And do you know what they were about? 10 A. I believe it was for his performance 11 evaluations, the elimination of his position. I 12 believe it was maybe the issue of compensatory 13 time. Yeah, I believe so. 14 Q. Okay. And do you know roughly the time 15 period of these grievances that you assisted him 16 with? 17 A. No. It could have been anywhere between 18 2014 maybe or '13 to the -- maybe to the present 19 day. I don't recall. 20 Q. Do you socialize with Mr. Nelson outside 21 of work? 22 A. No. 23 Q. Okay. Have you ever been to 24 Mr. Nelson's house?	1 four plaintiffs to file a charge of discrimination 2 with the EEOC? 3 A. Not directly, but I mentioned that they 4 can seek outside help if they wasn't happy about 5 the results. 6 Q. Results of their grievances? 7 A. Yes. 8 Q. Okay. You say that you told that to all 9 four of them? 10 A. No. 11 Q. Who did you tell that to, if you know? 12 A. I believe Howard Brown, Julie 13 Montgomery. I probably mentioned it to maybe all 14 of them maybe indirectly, even though the grievance 15 hearing allowed me to present the information and 16 evidence. 17 Q. I think there might have been confusion. 18 When you say "all of them," are you referring to 19 all of the JPD employees that you helped with 20 grievances? 21 A. Yeah. 22 Q. So I want to know about the actual 23 plaintiffs in the case. So Jordan, Greenlaw, 24 Nelson, Chapman. Did you ever tell them that they

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1 should file a charge of discrimination with the 2 EEOC? 3 A. Not directly, no. 4 Q. But would you have told them kind of the 5 same thing that you just testified about kind of 6 indirectly or whatever? 7 A. When I presented information on their 8 behalf and they see the documents that the 9 department produced and provided to me, I'm sure 10 they had to take notice. The language, the stats, 11 the number of probation officers compared to white 12 probation officers who had been suspended and 13 terminated under the Office of the Chief Judge. 14 Q. Did you assist any of the -- just the 15 four plaintiffs in filing their charges of 16 discrimination with the EEOC? 17 A. When you say "assist," you mean like 18 provide them with information? 19 Q. Sure. Well, if that is your answer, 20 that is fine. Did you provide them with 21 information? 22 A. Yeah, especially during the grievance 23 hearings. 24 Q. All right. Then specifically did you --	1 BY MR. HAYES: 2 Q. Did you -- did you go to the EEOC with 3 any of the plaintiffs when they filed their charge? 4 A. Maybe. I think I did. 5 Q. Do you know which one, which ones? 6 A. Maybe -- maybe Nelson, I think. 7 Q. Okay. Was he the only one? 8 A. That I can recall at this time. 9 Q. Okay. Outside of the four plaintiffs, 10 did you -- and outside of what you already 11 testified to kind of indirectly telling employees 12 about their options, did you ever tell any JPD 13 employees specifically, You should file a charge of 14 discrimination with the EEOC? Again, outside of 15 the four named plaintiffs here. 16 A. If they believe that they was a victim 17 of racial discrimination. 18 Q. Can you think of a specific instance 19 where you told someone that? 20 A. I can recall Howard Brown, where I 21 walked in on the deputy chief probation officer who 22 had accused Howard Brown of not servicing a client, 23 and I actually caught the deputy chief probation 24 officer, Virginia Caulfield, manipulating the
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1 just the four plaintiffs, any of them, did you 2 assist them in any way? And by "assist," I mean, 3 did you tell them, Here, this is where you go to 4 the EEOC, this is how you fill it out, any of that? 5 A. If they had a question, yes. I would 6 answer the questions as their president or vice 7 president. I would give them the information that 8 they were seeking. 9 Q. And do you recall directly assisting any 10 of the four plaintiffs in filing a charge of 11 discrimination with the EEOC? 12 A. Probably so, if I can recall. I 13 don't -- I'm a little bit confused by the word 14 "assist" because all I did was give them the 15 information, and these are four grown men who made 16 a decision to file charges based off the 17 information that they had in their possession. 18 Q. Let me break it down a little bit. That 19 might help. 20 A. Okay. 21 MR. GEOGHEGAN: I'm going to object to the 22 form of the question, and I rarely have a relevance 23 objection at a deposition, but I think this is 24 getting pretty far afield of the case.	1 system, and it was actually the supervisor who 2 happened to be white never assigned the case to 3 Howard Brown and who was never put under 4 investigation. 5 Q. All right. So did you tell Howard Brown 6 to file an EEOC charge based on that instance that 7 you observed? 8 A. Well, he -- if I can remember correctly, 9 he asked me if we can file a grievance, and I said, 10 Well, you have not been impacted because they did 11 not discipline you, but we can file a grievance and 12 make it a formal complaint or you can go to the 13 EEOC and file a complaint regarding differential 14 treatment that you believe you received. 15 Q. Do you know if he went to the EEOC to 16 file a charge? 17 A. I don't -- I can't recall right offhand, 18 but -- 19 Q. Regarding this lawsuit that you are here 20 for today, Jordan, et al., did you have any role 21 whatsoever in the filing of that lawsuit? 22 A. As far as providing documentation? I 23 think that being African-American in the 24 department, I think all African-Americans,

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<p>Page 69</p> <p>1 especially minorities, they all should have a role 2 in this lawsuit, especially given the systemic 3 issue that impact the Office of the Chief Judge and 4 juvenile probation.</p> <p>5 Q. Did you ever tell any of the other four 6 named plaintiffs here that they should file a 7 lawsuit?</p> <p>8 A. No, I didn't tell them that they should 9 file a lawsuit. Yeah.</p> <p>10 MR. GEOGHEGAN: I want to object to any 11 communications between Mr. Smith and our law firm 12 about this lawsuit. I'll instruct him not to 13 answer those. Those are all privileged, but I 14 don't have any objection to the question that you 15 just asked.</p> <p>16 MR. HAYES: I know. I'm trying to -- I guess 17 we are just going to roll, and if we get to it, we 18 get to it and we'll deal with it.</p> <p>19 MR. GEOGHEGAN: I have the understanding that 20 Mr. Smith is --</p> <p>21 MR. HAYES: He's all over everything.</p> <p>22 MR. GEOGHEGAN: That he's an intelligent and 23 sophisticated individual and understands that you 24 are not asking about communications with our firm.</p>	<p>Page 71</p> <p>1 to them about, what is your understanding of your 2 role as a consultant on this case?</p> <p>3 A. My role is --</p> <p>4 MR. GEOGHEGAN: Objection. I am going to 5 object to these questions. We have already 6 identified him as a client of the firm for purposes 7 of this case, and I'm going to instruct him not to 8 answer those questions.</p> <p>9 MR. HAYES: Well, is he a client, or is he a 10 consultant?</p> <p>11 MR. GEOGHEGAN: I stated at the beginning, he 12 is a client. Of course he has information and he 13 provides it to us as a client, but he's -- I think 14 he misunderstood the question. He is a client of 15 the firm, and I'm instructing him not to answer 16 questions about what he provides to the firm.</p> <p>17 BY MR. HAYES:</p> <p>18 Q. Is it your understanding, Mr. Smith, 19 that you are a client of the law firm?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. So is it your understanding that 22 you are not a consultant?</p> <p>23 A. I mean --</p> <p>24 MR. GEOGHEGAN: Objection. I think he</p>
<p>Page 70</p> <p>1 MR. HAYES: Right. I'm fine.</p> <p>2 BY MR. HAYES:</p> <p>3 Q. I understand that your attorney has put 4 forth an objection of attorney-client privilege, so 5 that means that -- at this point, I don't want to 6 know any of your communications between you and 7 anyone at that firm. Okay.</p> <p>8 What I will be looking for is your role 9 in terms of what you provided and how you came to 10 some of these conclusions that are in the 11 complaint. That is what I'm going to be looking 12 for. Okay? I just want to be clear on that.</p> <p>13 A. That's fine.</p> <p>14 MR. HAYES: Tom, we good at least until the 15 questions?</p> <p>16 MR. GEOGHEGAN: Yeah, that is a legitimate 17 area of inquiry.</p> <p>18 MR. HAYES: Okay.</p> <p>19 BY MR. HAYES:</p> <p>20 Q. Are you currently a hired consultant of 21 the law firm -- and I'm probably going to butcher 22 it -- of Despres, Schwartz &amp; Geoghegan?</p> <p>23 A. Yes.</p> <p>24 Q. And without getting into what you talked</p>	<p>Page 72</p> <p>1 misunderstands what you mean by "consultant."</p> <p>2 MR. HAYES: I know. I'm trying to figure it 3 out here.</p> <p>4 MR. GEOGHEGAN: Obviously, we consult with him 5 and vice versa, but it's not a consultant 6 relationship in the sense that you mean it.</p> <p>7 BY MR. HAYES:</p> <p>8 Q. Are you being paid as a consultant?</p> <p>9 A. No.</p> <p>10 Q. Okay. When did you become a client of 11 the law firm?</p> <p>12 A. 2015, I believe, or 2016.</p> <p>13 Q. Do you know if it was before or after 14 this lawsuit was filed?</p> <p>15 A. It was after this lawsuit was filed.</p> <p>16 Q. Okay.</p> <p>17 (WHEREUPON, a certain document was -10-22-47 marked Smith Deposition Exhibit -10-22-47 No. 3, for identification.)</p> <p>-10-22-47 BY MR. HAYES:</p> <p>21 Q. Okay. Mr. Smith, you have been handed 22 what has been marked as Exhibit 3. I'll tell you 23 it's the second amended complaint in this matter.</p> <p>24 Have you seen this before?</p>

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1 A. Yes.	1 BY MR. HAYES:
2 Q. Okay. Again, I'm trying to find out	2 Q. Are you currently a named plaintiff in
3 what was your role, if any, without getting into	3 this lawsuit?
4 attorney-client communications in the drafting of	4 A. Not a named plaintiff, but, again, I
5 this complaint?	5 kind of -- I don't know how you can put and say it
6 MR. GEOGHEGAN: Oh, I'm going to instruct him	6 does not impact me directly, because they are
7 not to answer that.	7 similarly situated, and I assume I'm a similarly
8 MR. HAYES: All right. Let's go off the	8 situated individual. But, no, my name does not
9 record for a minute.	9 appear directly anywhere on the lawsuit.
10 (WHEREUPON, discussion was had off	10 Q. All right. Now, I'm going to go through
11 the record.)	11 some of these specific paragraphs and ask you some
12 MR. HAYES: Okay. Let's go back on. For now,	12 questions about it. If you could turn to page 4.
13 I'll move on. I'll keep asking questions and see	13 I want to focus on paragraph 11. It says,
14 what happens.	14 Effective December 1, 2008, and continuing in
15 Now, Mr. Smith, you established that you	15 effect, a collective bargaining agreement was
16 have seen this document before; is that right?	16 entered into between defendant, Chief Judge Timothy
17 A. Yes.	17 Evans, and the American Federation of State,
18 Q. And is it your understanding that this	18 County, and Municipal Employees, Council 31, the
19 is the operative complaint in this lawsuit, meaning	19 union. Do you see that?
20 this is the true and correct complaint right now,	20 A. Yes.
21 right?	21 Q. My question is, did you have any role in
22 A. I mean, I know it said on behalf of	22 the drafting or negotiating of the CBA?
23 themselves and other similarly situated plaintiffs.	23 A. No, because it would have also stated
24 I don't know if there may be additional plaintiffs	24 Local 3477.
Page 74	Page 76
1 that may come forward.	1 Q. So is it your understanding that this
2 Q. Okay. You are not currently a plaintiff	2 collective bargaining agreement applies to other
3 in this lawsuit, right?	3 locals beyond just 3477?
4 A. I think being an African-American in the	4 A. No.
5 department indirectly, you could say that I am a	5 Q. So does it apply just to 3477?
6 plaintiff because it impacts me as an	6 A. Yes, this particular collective
7 African-American.	7 bargaining agreement. Each local has their own
8 Q. Let me reask that.	8 collective bargaining agreement because each local
9 A. It's similar --	9 has a different president and vice president.
10 Q. No, go ahead.	10 Q. Okay. The CBA that is being referenced
11 A. It's similar to the Chicago Police	11 in paragraph 11, if you know, did you have any role
12 Department, when the Chicago Police Department was	12 in the drafting or negotiating of that CBA?
13 discriminating against African-American police	13 A. Possibly indirectly. I mean, I am the
14 officers and the fire department, when they was	14 president -- or was the president of the union.
15 discriminating against African-Americans regarding	15 Q. But not in 2008, right?
16 their exam. So I think indirectly being an	16 A. No, not in 2008.
17 African-American in the department, that it does	17 Q. Okay. Has there been a CBA negotiated
18 impact me.	18 with Local 3477 after 2008?
19 MR. GEOGHEGAN: Objection. I think it's --	19 A. Yes.
20 this document speaks for itself. He's not formally	20 Q. And when was that?
21 a named plaintiff in this.	21 A. The CBA expired in 2012.
22 MR. HAYES: I mean, you are objecting after	22 Q. Did you have a role in drafting or
23 his answer, and I was going to clean it up.	23 negotiating of that CBA?
24	24 A. Yes.

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1 Q. What was your role in that CBA?	1 Q. But you started working on it in 2012;
2 A. I helped negotiate the current	2 is that right?
3 collective bargaining agreement.	3 A. Yeah, I believe so.
4 Q. And when you say "helped negotiate," can	4 Q. Okay. If you turn the page to page 5,
5 you be specific about what you did?	5 let's look at paragraph 16, it says, Argentry
6 A. I attended meetings, gave input	6 Mitchell. Do you see that?
7 regarding the working conditions of the probation	7 A. Yes.
8 officers, came back, relayed the information to the	8 Q. You can just read that paragraph to
9 probation officers, fought with Council 31 over	9 yourself. Go ahead.
10 certain languages, provisions within the CBA, and	10 A. Okay.
11 we met with the chief judge's representative, Laura	11 Q. Were you involved personally, I guess I
12 Kelly, the department, and the county.	12 would say as a union steward or as a union
13 Q. Did the union have an attorney that	13 president or vice president, in Mr. Mitchell's
14 negotiated the CBA?	14 claims in paragraph 16?
15 A. Did we have an attorney?	15 A. No.
16 Q. Yeah.	16 Q. If you turn the paragraph to page 6,
17 A. To negotiate the CBA?	17 hopefully these questions will be easy because they
18 Q. Right.	18 are about you. Paragraphs 21 and 22, do you see
19 A. I'm not sure if he was an attorney, but	19 that, Jason Smith?
20 I'm sure there was some attorneys present.	20 A. Uh-huh.
21 Q. All right. Let me ask it this way. For	21 Q. Just look at 21 and just tell me, is
22 this, the one that you helped negotiate in 2012,	22 everything in there still true about you?
23 that is still current?	23 A. Yeah. Yes.
24 A. Yes.	24 Q. 21 is still a true statement, there's
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1 Q. Okay. Do you know when that expires?	1 nothing wrong with paragraph 21?
2 A. November 1st, November 30th of this	2 A. No, I'm no longer the president of
3 year.	3 Local 3477.
4 Q. Okay. I assume because you are not in	4 Q. Okay. I want to look at the next one,
5 the union, but do you currently have any role in	5 which is paragraph 22, and I'll read it, Jason
6 the negotiation of the new CBA after November 30,	6 Smith recognized that claims of racial
7 2017?	7 discrimination to the EEOC, the Illinois Department
8 A. Just the vote on the contract once they	8 of Human Rights, federal courts and arbitration
9 present all of the information.	9 were failing due to the failure to allege and
10 Q. And looking at paragraph 11, do you	10 document a pattern and practice of racially
11 know, it says, Effective December 1, 2008, and	11 disparate treatment. Do you see that?
12 continuing in effect, but you said the 2008 one,	12 A. Uh-huh. Yes. I'm sorry.
13 did that expire or what happened?	13 Q. That's fine. And what exactly did you
14 A. I'm sorry.	14 recognize?
15 Q. No, go ahead. I just want to know what	15 A. A bunch. When I first started, a group
16 happened.	16 of probation officers came to me regarding a
17 A. Any time that a collective bargaining	17 blackboard.
18 agreement has an expiration date, it still is in	18 Q. Sir, when you say "first started," does
19 effect until you negotiate a new one.	19 that mean in the union or the JPD?
20 Q. Do you know when the new one -- the	20 A. No. Let me make sure --
21 2012 -- the current CBA, when did that come into	21 Q. I'm sorry. I'm going to probably
22 effect?	22 interrupt you and Tom may object, but I want you to
23 A. I believe we signed it in 2015. It was	23 finish.
24 ratified in 2015.	24 MR. GEOGHEGAN: I am objecting.

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<p>1 BY MR. HAYES:</p> <p>2 Q. Just to clarify -- sometimes I will 3 interrupt to clarify, just because I want a clean 4 record. I'm not trying to trip you up or anything 5 like that. So go ahead.</p> <p>6 A. So when I say when I first started, when 7 certain probation officers started bringing to my 8 attention certain unfair treatment that was taking 9 place in the juvenile probation department, I only 10 thought that it was pertaining to juvenile 11 probation.</p> <p>12 I can recall the first instance that a 13 group of probation officers came to me regarding a 14 blackboard and that the deputy chief was making 15 them sign a blackboard, and this particular unit 16 consisted of several black probation officers and a 17 couple of white probation officers within the same 18 division. And this deputy chief would ask the 19 black probation officers to sign the blackboard as 20 if to account for their time and not ask the white 21 probation officers to sign the blackboard to 22 account for their time.</p> <p>23 Q. Okay. When was this, first of all?</p> <p>24 A. I believe it was in 2012.</p>	<p>Page 81</p> <p>1 everyone, not just the black probation officers. 2 She said -- she gave me some excuse, that these 3 probation officers was assigned to a courtroom, she 4 needed to see who was present, and I brought up the 5 time sheet and that they have a direct 6 supervisor -- or two direct supervisors who 7 actually supervise their immediate duties.</p> <p>8 She refused to take down the blackboard.</p> <p>9 The group asked me to file a grievance for 10 discrimination. We went through the process, went 11 through Step 1, Step 2, Step 3, Step 4, and it was 12 all denied.</p> <p>13 During that time the probation officers 14 wanted to do what we call a job action regarding 15 the differential treatment that they was 16 experiencing, and some probation officers created a 17 flier that said, Civil rights are union rights. 18 And they posted these signs saying, Stop with the 19 discrimination, and they actually sent that flier 20 to the Office of the Chief Judge. After a while, 21 for some particular reason, the blackboard 22 disappeared.</p> <p>23 Q. And it's your understanding that white 24 probation officers never had to sign on the</p>
<p>1 Q. Who was the deputy chief?</p> <p>2 A. Virginia Caulfield.</p> <p>3 Q. And her race?</p> <p>4 A. White.</p> <p>5 Q. When you say "blackboard," is it like a 6 chalkboard?</p> <p>7 A. Uh-huh.</p> <p>8 Q. You still have to say yes.</p> <p>9 A. It's a chalkboard. It was a chalkboard.</p> <p>10 Q. If I am understanding you correctly, she 11 was making certain officers sign -- is it like a 12 time thing on there, or what was it?</p> <p>13 A. They would come in, write their name on 14 the blackboard, saying that they was present, 15 despite the fact that they had a time sheet, that 16 they actually had to sign their signature 17 indicating that they was there at work. But she 18 would actually create another layer of a blackboard 19 to see what probation officers was here at work 20 during that time.</p> <p>21 So these probation officers brought it 22 to my attention, and I brought it to her attention 23 and said, If you are going to create a blackboard, 24 you are going to have to create the blackboard for</p>	<p>Page 82</p> <p>1 blackboard; is that right?</p> <p>2 A. I have firsthand knowledge, yeah.</p> <p>3 Q. Yeah. Did you talk to the white 4 officers about it?</p> <p>5 A. Yes.</p> <p>6 Q. And they said they never had to?</p> <p>7 A. Yes.</p> <p>8 Q. Did anything -- to your knowledge, did 9 anything -- I'm going to say bad. Did any 10 discipline or anything like that happen to these 11 black officers that had to sign the blackboard?</p> <p>12 A. I know there was discipline taking place 13 when that department -- in that unit specifically. 14 I can't recall because I don't have my records in 15 front of me, but I do recall probation officers 16 being placed under investigation because they had 17 filed a complaint for discrimination. I also can 18 recall certain probation officers being placed 19 under investigation that they construe that as not 20 turning over a daily court call or not coming back 21 for a certain time period for their lunch period, 22 so I can recall those incidents.</p> <p>23 Q. Do you recall anything that specifically 24 happened to these officers that had to sign on the</p>

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<p style="text-align: right;">Page 85</p> <p>1 blackboard?</p> <p>2 A. If I had my --</p> <p>3 Q. Sorry. As a result of signing on the</p> <p>4 blackboard, did anything happen to them?</p> <p>5 A. I can't -- I'm sorry. I can't recall</p> <p>6 right offhand, but if I had my notes, I -- I just</p> <p>7 remember that we filed a grievance over the</p> <p>8 complaint.</p> <p>9 Q. Okay.</p> <p>10 A. But that is when -- that is when I</p> <p>11 started the collection of the records.</p> <p>12 Q. Okay. So go back to paragraph 22 of the</p> <p>13 complaint here. I was asking you what instances</p> <p>14 were you recognizing. You said a bunch. I might</p> <p>15 be paraphrasing, but you started with the</p> <p>16 blackboard.</p> <p>17 Could you give me more specific</p> <p>18 examples?</p> <p>19 A. So there was a situation that I was</p> <p>20 brought into regarding Kaletha Seay.</p> <p>21 Q. Okay. Can you spell any of that?</p> <p>22 A. Kaletha is K-a-l-e-t-h-a. Seay is</p> <p>23 S-e-a-y. And she was denied a transfer.</p> <p>24 Q. And she's African-American?</p>	<p style="text-align: right;">Page 87</p> <p>1 officer who was actually disciplined. In the CBA</p> <p>2 it says that if you have been disciplined or if you</p> <p>3 did not meet standards on your performance</p> <p>4 evaluation, that you cannot transfer, and the</p> <p>5 department transferred her not once, not twice, but</p> <p>6 three times.</p> <p>7 Q. And who is that white officer?</p> <p>8 A. Susan Patla.</p> <p>9 Q. Could you spell the last name?</p> <p>10 A. P-a-t-l-a.</p> <p>11 Q. Had Ms. Seay received discipline prior</p> <p>12 to the initial transfer of her?</p> <p>13 A. No.</p> <p>14 Q. Okay.</p> <p>15 A. She just did not meet standards.</p> <p>16 Q. So do you believe then that Ms. Seay's</p> <p>17 transfer was rescinded then because of her race?</p> <p>18 A. Yes.</p> <p>19 Q. Did anyone ever say they are rescinding</p> <p>20 her transfer because of her race?</p> <p>21 A. Not directly. I mean, discrimination is</p> <p>22 not -- they are not wearing the hoods and marching</p> <p>23 and putting crosses -- burning crosses in</p> <p>24 people's front lawns these days. It's very</p>
<p style="text-align: right;">Page 86</p> <p>1 A. Yes. And the department cited -- they</p> <p>2 had offered Kaletha Seay the position, and she</p> <p>3 accepted. In the CBA it does not say that once a</p> <p>4 probation officer accepts a position, that</p> <p>5 management can come back and rescind that transfer,</p> <p>6 but that is exactly what happened. They said that</p> <p>7 they made a mistake, that Kaletha Seay did not</p> <p>8 exceed -- I'm sorry -- did not meet standards on</p> <p>9 her performance evaluation, which directly impacted</p> <p>10 her ability to transfer.</p> <p>11 But because she had already accepted the</p> <p>12 position, the union had taken the position that</p> <p>13 it's not her fault that management did not do their</p> <p>14 due diligence and that she had a right to the</p> <p>15 position. Management refused. We filed a</p> <p>16 complaint. We went up through the whole process.</p> <p>17 We brought up other instances where -- not me</p> <p>18 per se but Mike Willis had actually provided me</p> <p>19 documentation showing that this is a common</p> <p>20 practice to waive certain provisions within the</p> <p>21 collective bargaining agreement to allow probation</p> <p>22 officers to transfer. For whatever reason, they</p> <p>23 refused to transfer Kaletha Seay.</p> <p>24 After that there was a white probation</p>	<p style="text-align: right;">Page 88</p> <p>1 micro-aggressions and very subtle, and even the</p> <p>2 policies can sometimes have an indirect impact on</p> <p>3 African-Americans, especially when they are not</p> <p>4 applied consistently throughout the department.</p> <p>5 Q. Okay. We have that one. Back to</p> <p>6 paragraph 22. Any other instances that you were</p> <p>7 recognizing at this time?</p> <p>8 A. Each time -- and I can only speak to</p> <p>9 what I saw and my tenure as vice president,</p> <p>10 president.</p> <p>11 Q. That is all I want.</p> <p>12 A. Information that was provided to me</p> <p>13 because Mike Willis was the president for over</p> <p>14 20 years of the local. So Mike Willis turned over</p> <p>15 this big box of information to me, and I actually</p> <p>16 sorted through the big box and went through it line</p> <p>17 by line and created certain binders, scanned it,</p> <p>18 and so when it came to negotiating certain</p> <p>19 restructuring of the department, I noticed that the</p> <p>20 department would put on the table certain units,</p> <p>21 and these certain units only consisted, the</p> <p>22 majority, of African-Americans. And each time that</p> <p>23 we would question them and ask them to provide us</p> <p>24 with information, they would always say, it's</p>

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<p style="text-align: right;">Page 89</p> <p>1 operational need, as if the department has the 2 right to run the department as they saw fit. 3 And that is their right. That is under 4 the employer's authority, but they still have to 5 bargain over the impact. And what we were saying 6 to the department is that when you only include 7 certain units, the makeup only consists of 8 African-Americans, how can you justify eliminating 9 this unit when this unit is more successful than a 10 unit that actually consists of white officers? And 11 you have to be fair and consistent throughout the 12 process, and that is all we was asking. 13 They came back and they proposed 14 something else, but I think that realignment 15 proposal did have an impact on certain 16 African-American probation officers that eliminated 17 their position. 18 Q. Okay. You gave me a lot there. That is 19 fine. So I'm just going to try to unpack some of 20 that. I want to start with maybe locking this 21 down, this paragraph 22. 22 You said, I think, early on in that 23 answer that you can only talk about what you know? 24 A. Uh-huh.</p>	<p style="text-align: right;">Page 91</p> <p>1 Q. And you made binders and things like 2 that? 3 A. Uh-huh. 4 Q. Where are these binders now? 5 A. I scanned everything and sent it over to 6 you. 7 Q. To me? I certainly don't have it. 8 A. Okay. 9 Q. Yeah, who did you send it to? 10 A. So I sent it -- 11 Q. If you sent it to the firm, you can just 12 say, I sent it to the lawyer, that fine, but I 13 don't want to put words in your mouth. 14 A. I'm sorry. Well, not you per se, not 15 personally. 16 Q. To your lawyer; is that right? 17 A. Yes. 18 Q. So are you still in possession of these 19 binders? 20 A. Yes. 21 Q. Do you keep them at your home? 22 A. Yes. 23 Q. Okay. This is going to get tedious, 24 Mr. Smith, but I just want to nail down everything.</p>
<p style="text-align: right;">Page 90</p> <p>1 Q. So what I'm looking for is, you know, I 2 have this complaint that can be kind of general at 3 times. What I'm trying to do is get specifics, so 4 you gave me the blackboard, you gave me the Kaletha 5 Seay incident. I want to know any other incidents 6 that is referred to in paragraph 22 that you were 7 personally involved in? 8 A. Well, that realignment of 2013 I was 9 personally involved in. Everything that I'm going 10 to talk about today, I was personally involved. 11 Q. Okay. Then I want to step back. And 12 you mentioned a big box that Michael Willis gave 13 you; is that right? 14 A. Yes. 15 Q. And he was the president of the union 16 before you; is that right? 17 A. Yes, for almost 20 years. 18 Q. You say "big box." What are we talking 19 about, bankers box, like a big moving box? 20 A. Totes of records, so there was two totes 21 and one box of information. 22 Q. Okay. And you said that you sorted 23 through all of this, right? 24 A. Yes.</p>	<p style="text-align: right;">Page 92</p> <p>1 Is there anything else from paragraph 22 that you 2 have not mentioned yet? 3 A. The discipline. 4 Q. And can you expound on that a little 5 bit? 6 A. So it began with an admonishment, which 7 the department said was not discipline, similar to 8 the temporary suspension. That the probation 9 officers who was receiving these admonishments had 10 somehow failed in the compliance with the 11 department policy. 12 So there was a particular incident with 13 an audit that was completed for the entire 14 department, and I believe the audit consisted of 15 from 2011 to 2012. And I'm assuming from all of 16 the communications, because this audit was provided 17 to me from Mike Rohan, that he actually initiated 18 this audit under the authority under the chief 19 judge. 20 In this audit, there was a particular 21 officer by the name of Emily Pierce who received an 22 admonishment, and her supervisor told her that the 23 director said that she should have been 24 disciplined.</p>

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<p style="text-align: right;">Page 93</p> <p>1 I said okay. I put a request of 2 information into the department. They then told 3 me, What is the relevance? That it had no 4 relevance, that they was not willing to turn over 5 these documents to me.</p> <p>6 I then filed another complaint, put 7 another request. Mike Rohan personally responded 8 and said that all of this information was turned 9 over to the union previously, it preceded your 10 tenure. However, I'm going to provide the audit to 11 you for your review, and that is exactly what I 12 did. I reviewed all of the audit reports for every 13 unit within the probation department.</p> <p>14 Q. Audit report, is that an audit of 15 discipline? What is an audit report?</p> <p>16 A. So an audit -- so probation officers in 17 juvenile probation is very -- how can I say this -- 18 unique. I like to use those terms. Me being a 19 field probation officer, that makes up a lot of the 20 department, but we have certain specialized units 21 within the department.</p> <p>22 And Emily Pierce was a field officer, 23 and as a field officer, you are required to do 24 investigations, complete case logs, complete case</p>	<p style="text-align: right;">Page 95</p> <p>1 legal counsel for the office of the chief judge, 2 they always say that this is a summary, so they 3 don't capture the entire meeting. They just 4 summarize. And the department actually do the same 5 thing, and they omit certain information within 6 this write-up to the union in the response.</p> <p>7 And oftentimes I will respond by saying, 8 Well, you all omitted this. Why did you all omit 9 this? But because it became so tedious and because 10 my primary role was not just the union president 11 but also a field probation officer, that I could 12 not respond back to the department in every 13 instance. There was certain information that was 14 either omitted or left out or summarized during 15 these meetings.</p> <p>16 Q. And you say "these meetings." Are these 17 the fourth level grievance hearings? Is that what 18 you are referring to?</p> <p>19 A. First, second, third, fourth, yes.</p> <p>20 Q. Okay. I don't think we covered this, 21 but is there a hearing meeting at the first level 22 of a grievance?</p> <p>23 A. Yes.</p> <p>24 Q. And who is present at that one</p>
<p style="text-align: right;">Page 94</p> <p>1 plans, do YASIs, do you Type 4Es, monitor your 2 clients, make all the referrals. I mean, a host of 3 things. And in this particular audit -- and it's 4 cited and I brought it to the chief judge's office, 5 and I showed him personally myself.</p> <p>6 Q. You showed the chief judge?</p> <p>7 A. No, his designee, Keith Sevcik.</p> <p>8 Q. Who was it?</p> <p>9 A. Keith Sevcik.</p> <p>10 Q. Okay.</p> <p>11 A. That the department decided to admonish 12 Emily Pierce, but they was looking to discipline 13 her. But in this audit it says that Dennis Brady 14 and Katie McGoldrick's audits was worse than Emily 15 Pierce.</p> <p>16 Q. Give me the races of these because I 17 know where you are going, but just for the record.</p> <p>18 A. So Emily Pierce is African-American, and 19 Katie and Dennis Brady are white. And in Keith's 20 decision, he denied the grievance because he said 21 that I did not provide enough information and that 22 this author could not determine that there was 23 racial discrimination taking place.</p> <p>24 If you look at Keith and all of the</p>	<p style="text-align: right;">Page 96</p> <p>1 generally?</p> <p>2 A. So if you review the CBA, it's supposed 3 to be the immediate supervisor, but because the 4 immediate supervisors are the same collective 5 bargaining unit as us, the department had said that 6 it is the deputy chief, which I was filing 7 grievances over that too because it says immediate 8 supervisor. And the law says that not even an 9 arbitrator can modify or change the language in the 10 contract, so it's the deputy chief probation 11 officers.</p> <p>12 Q. Step 1?</p> <p>13 A. Yes.</p> <p>14 Q. And someone from the union, a steward? 15 Would the steward be there?</p> <p>16 A. Yes, unless I filed a grievance 17 personally. I always wanted to be involved because 18 I noticed that there was something taking place 19 within the department, so any time that there was 20 an investigatory hearing, if there was some type of 21 discipline that was going to be imposed unless I 22 was on vacation or out of the office, I would 23 actually be present for these meetings.</p> <p>24 Q. Was the employee present at Step 1?</p>

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<p style="text-align: right;">Page 97</p> <p>1 A. He can be or she can be. But, yeah, 2 they have a right to be present.</p> <p>3 Q. Okay. Step 2. Who is at Step 2?</p> <p>4 A. The human resource director.</p> <p>5 Q. Of the JPD?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. And the employee?</p> <p>8 A. Yes.</p> <p>9 Q. And a union representative?</p> <p>10 A. Yes.</p> <p>11 Q. Step 3, who is there?</p> <p>12 A. The director.</p> <p>13 Q. Director of the JPD?</p> <p>14 A. Yes.</p> <p>15 Q. And the employee, right?</p> <p>16 A. And the union, yes.</p> <p>17 Q. And the union?</p> <p>18 A. Uh-huh.</p> <p>19 Q. You just have to say yes.</p> <p>20 A. Yes.</p> <p>21 Q. Step 4, who is present at that hearing?</p> <p>22 A. It says the chief judge or his designee, 23 and the majority of the time it would be just the 24 designee.</p>	<p style="text-align: right;">Page 99</p> <p>1 there, especially African-American, they will tell 2 you that they feel that there's some racial 3 discrimination taking place within the department.</p> <p>4 So it's not me personally that felt a 5 certain way. It was certain information. I would 6 do my due diligence and request certain information 7 from the department, and I would just present the 8 evidence and information that was given to me. All 9 of these historical records and collection of 10 discipline records primarily came from the 11 department. The discipline records came from the 12 department.</p> <p>13 Q. Let me put it this way. Are there any 14 other specific instances that you can think of 15 sitting here that you were directly involved with. 16 Not that happened to you, but that you were 17 involved in regarding instances of racial 18 discrimination that you have not talked about yet?</p> <p>19 MR. GEOGHEGAN: Just for purposes of 20 clarification, that led him in paragraph 22 to 21 start looking at this information?</p> <p>22 MR. HAYES: Yes. Thank you.</p> <p>23 MR. GEOGHEGAN: Not necessarily --</p> <p>24 MR. HAYES: Right. We are going to be getting</p>
<p style="text-align: right;">Page 98</p> <p>1 Q. And the union representative?</p> <p>2 A. Yes.</p> <p>3 Q. Is the employee there as well?</p> <p>4 A. If they choose to be there, yes.</p> <p>5 Q. Were you ever at a Step 4 grievance 6 hearing where the chief judge himself, Judge Evans, 7 was there?</p> <p>8 A. No.</p> <p>9 Q. So it was always a designee; is that 10 right?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Back to paragraph 22, is there 13 anything else that you have not mentioned yet, kind 14 of in a general manner, that at this time you felt 15 the things that were -- strike that. Just give me 16 a second to come up with a good question.</p> <p>17 A. Well, can I make a statement real quick?</p> <p>18 Q. Sure. Go ahead.</p> <p>19 A. It's not that I felt, it was just the 20 evidence. It's the facts that was presented to me, 21 and it was not me personally. It was actually the 22 other probation officers who was bringing it to me 23 who felt this way. If you go over to the 24 department and speak to any probation officer over</p>	<p style="text-align: right;">Page 100</p> <p>1 into all kinds of other stuff.</p> <p>2 MR. GEOGHEGAN: Not that happened.</p> <p>3 BY THE WITNESS:</p> <p>4 A. There was a record number of 5 investigatory hearings, like preinvestigatory 6 hearings, investigatory hearings, discipline 7 hearings, that each time I would be present, it 8 just happened to be an African-American probation 9 officer. And even when the African-American 10 probationary officer would be pleading, saying, 11 This is not what it is, the department would still 12 impose the discipline on that probation officer 13 despite their plea of innocence.</p> <p>14 It kind of reminded me, again, of our 15 criminal justice system, where a majority of 16 African-Americans just happened to be coming 17 through and they received harsher sentences than 18 any other race within the City of Chicago. So it 19 seemed to me that it's kind of a microscopic 20 environment or replica of our criminal justice 21 system. I mean, I'm sure you even saw now, even 22 with the bail reform that the chief judge 23 implemented, that he now is implementing all of 24 this reform saying that African-Americans were not</p>

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<p style="text-align: right;">Page 101</p> <p>1 given a fair shake and their bail amount was 2 discriminatory. So if he has the fortitude to 3 implement reform for a system, I would think that 4 he would have the fortitude to institute a system 5 that impacts his employees directly.</p> <p>6 I mean, there's no set standards. If 7 you look at the language that was imposed on a 8 white officer compared to a black probation 9 officer, they would use different terminology and 10 say that this probation officer falsified compared 11 to this white probation officer who had poor work 12 performance and just the disparity of length of the 13 suspension, if you look at the records, you can -- 14 I mean, these are the department records. These 15 are not my records. Again, you can see how much a 16 white probation officer received compared to a 17 black probation officer. There's a big gap between 18 a three-month suspension and receiving a ten-day or 19 a day and a half comparable to similar offenses.</p> <p>20 Q. And when you say -- you looked at their 21 records. Is that what you were referring to 22 before, the big box and then?</p> <p>23 A. Yeah.</p> <p>24 Q. Is that yes?</p>	<p style="text-align: right;">Page 103</p> <p>1 cases are not -- they are not saying that the black 2 probation officers did not do anything wrong. We 3 are saying that they admit that they may have done 4 something wrong, but we are just talking about the 5 disparity of the treatment that they received.</p> <p>6 Q. What I'm looking for -- I just want to 7 know what records you reviewed kind of generally, 8 where they are, so that I can hopefully get them 9 and review them because I have not seen these yet. 10 That is where I'm trying to go with these 11 questions.</p> <p>12 A. Okay. So it's the discipline records, 13 it's the confidential transaction list that Rose 14 sent to me in 2013.</p> <p>15 Q. Is that the bid list?</p> <p>16 A. No. The bid list is --</p> <p>17 Q. We'll get into that.</p> <p>18 A. Rose Golden had told me that she kept a 19 database of all of the discipline, and my first 20 attempt to get ahold of these records to show the 21 makeup of what these officers was accused of, what 22 they received, on this particular list is marked 23 confidential, and Rose provided that to me. That 24 is when I started.</p>
<p style="text-align: right;">Page 102</p> <p>1 A. Yes. It's the actual document where the 2 department or Mike Rohan would say, I'm imposing 3 this discipline because of X, Y, and Z. But then 4 if you look at the investigation that actually took 5 place, you would see that the department was saying 6 that this particular white probation officer lied 7 or your white and green time sheet cannot be 8 reconciled.</p> <p>9 What that means is that probation 10 officers are required to complete what is called a 11 green itinerary. It's what we are supposed to do 12 that day, and, typically, sometimes we deviate from 13 that green sheet because of our clients and their 14 needs and I actually have to go and see a different 15 client than my green sheet.</p> <p>16 But in a particular instance of a white 17 probation officer case, what Mike Rohan wrote was 18 that this is not an operation, that this is not -- 19 meaning that this is not your first time and that 20 your time cannot be accounted for. Instead of 21 offering this white probation officer a last chance 22 agreement, a six-month or three-month suspension, 23 he said, I'm going to give you a day and a half 24 compared to a black probation officer. And the</p>	<p style="text-align: right;">Page 104</p> <p>1 Q. Okay. And where is that list now, if 2 you know?</p> <p>3 A. I mean, I have a copy.</p> <p>4 Q. You have a copy?</p> <p>5 A. Yeah.</p> <p>6 Q. And you provided it to your lawyers; is 7 that right?</p> <p>8 A. Yes.</p> <p>9 Q. Okay.</p> <p>10 A. But also the quarterly transaction list 11 that the department is supposed to turn over to the 12 union regarding medical leave, suspensions, 13 retirement, things of that nature.</p> <p>14 Q. All right. Well, hopefully that is a 15 good segue into paragraph 23 of the complaint, and 16 I will just read it. Accordingly, in 2012 Jason 17 Smith made his first request for juvenile probation 18 officer discipline records for the preceding five 19 years. Do you see that?</p> <p>20 A. Uh-huh.</p> <p>21 Q. Is that what you are referring to right 22 now?</p> <p>23 A. Yes.</p> <p>24 Q. So who did you make this request to?</p>

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<p style="text-align: right;">Page 105</p> <p>1 A. To Rose Golden and then -- 2 Q. Then let's -- 3 A. I'm sorry. 4 Q. Again, you know who she is, I know who 5 she is, but just to make a clear record, what is 6 Rose Golden? 7 A. At the time she was the human resources 8 director. 9 Q. Her race? 10 A. She's white. 11 Q. And at one time was Ms. Golden the 12 acting director of JPD? 13 A. She was. 14 Q. But in 2012 when you made this request, 15 she was the human resources director? 16 A. That's correct. 17 Q. Is that a deputy level position, is that 18 right, if you know? 19 A. I think any time you are promoted out of 20 the bargaining unit, I think it's all a deputy 21 level. I mean, if you look at the chief judge's 22 budget, I think it's classified as a deputy unless 23 you get into the director, but it's all kind of 24 like the same thing to me.</p>	<p style="text-align: right;">Page 107</p> <p>1 A. Were we done talking about all of the 2 other instances of racial discrimination? 3 Q. I was moving on from it, but if you want 4 to mention some more, go ahead. 5 A. Okay. 6 Q. Just for timing here, I'm just trying to 7 move it on. I only have so many hours with you, so 8 I'm trying to move on as fast as I can. What I'm 9 trying to do, what I think is going to happen is, 10 I'm going to use the records to help kind of piece 11 together things. But as much as I can get 12 testimony from you today, that is what I'm doing. 13 If there's a specific instance that you 14 want to mention, feel free. I'm more than happy to 15 get it on the record. 16 A. I mean, even with the supervisor exam. 17 Q. Yeah, we'll come to that. And, Tom, I'm 18 just -- it's just a better way. I am not trying to 19 cut you off. We'll get to it. If I don't -- 20 MR. GEOGHEGAN: I think the confusion started 21 perhaps that you asked what led him to be 22 interested in this subject. 23 MR. HAYES: Right. 24 MR. GEOGHEGAN: It's now turning into a</p>
<p style="text-align: right;">Page 106</p> <p>1 Q. All right. And if you look at the next 2 paragraph, 24, it says, On several occasions the 3 defendant employer refused to turn over the 4 records. Do you see that? 5 A. Yes. 6 Q. So Ms. Golden did not turn over the 7 records at your first request; is that correct? 8 A. That's correct. She cited that 9 something was wrong with the database, that she 10 needed some time. Another time she said it was 11 irrelevant. What is the relevancy of this request? 12 Can you be more specific to your request? And that 13 is when I actually made a request to the Office of 14 the Chief Judge to have them turn over the records. 15 Q. And did you get the records eventually? 16 A. Yes. 17 Q. And you still have these records in your 18 possession; is that right? 19 A. Yes. 20 Q. Would the union have these records or 21 no? 22 A. They should. 23 Q. Okay. Let's go to the next page, 7, 24 paragraph -- sorry. Go ahead.</p>	<p style="text-align: right;">Page 108</p> <p>1 compilation of everything that -- 2 MR. HAYES: Yeah, I understand. I probably 3 should have cut it off earlier because we are 4 getting too specific. 5 BY MR. HAYES: 6 Q. Now I think that we are going to get 7 into some specific stuff. So starting on paragraph 8 26 of the complaint here, we are going to start 9 getting into the data and things like that and kind 10 of the more specific allegations? 11 A. Uh-huh. 12 Q. Are you on paragraph 26, Mr. Smith? 13 A. Uh-huh. 14 Q. I'm just going to read the first part. 15 In an effort to substantiate the racially disparate 16 treatment of African-American probation officers, 17 Local 3477 began to compile data reflecting 18 categories of termination, suspensions, and written 19 or verbal reprimands among the population of 20 approximately 400 juvenile probation officers for 21 the years 2008 through 2013. Do you see that? 22 A. Yes. 23 Q. Were you involved in that compilation of 24 the data?</p>

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<p style="text-align: right;">Page 109</p> <p>1 A. Yes.</p> <p>2 Q. Is that what you have been previously 3 talking about with all of these documents and 4 records that you were reviewing at the time?</p> <p>5 A. Yes.</p> <p>6 Q. Okay.</p> <p>7 A. And just to be clear, it was not just 8 me. It's not just me compiling the data.</p> <p>9 Q. Right. And this was in 2012?</p> <p>10 A. Yes.</p> <p>11 Q. Who else compiled the data?</p> <p>12 A. A lot of the union stewards. We began 13 to have steward meetings, talking about the data. 14 Some probation officers were skeptical and afraid 15 of me requesting discipline records.</p> <p>16 In one particular instance, a steward 17 asked me that if I continued to request information 18 regarding the discipline, that a probation officer 19 is afraid that the statute of limitations had not 20 expired regarding what took place with her.</p> <p>21 Q. And who was that?</p> <p>22 A. It was Shawna Varnado.</p> <p>23 Q. To your knowledge, did anything -- did 24 she receive any discipline as a result of assisting</p>	<p style="text-align: right;">Page 111</p> <p>1 African-American probation officers, and I was not 2 sure who was loyal to Mr. Das at that time. So I 3 was the chief steward, vice president, president, 4 steward, and --</p> <p>5 Q. Okay.</p> <p>6 A. -- political action committee person. 7 So I was actually in charge of all of the stewards 8 within the local.</p> <p>9 Q. That is what the chief steward does?</p> <p>10 A. Yes. And typically the vice president 11 is the chief steward.</p> <p>12 Q. Okay. Do you recall when you were 13 compiling this data and looking at the documents, 14 was it in there how many -- strike that.</p> <p>15 Was there anywhere in these documents 16 that broke down the race of each employee in the 17 department?</p> <p>18 A. No.</p> <p>19 Q. How were you determining the race of 20 these individuals, as you looked through these 21 documents?</p> <p>22 A. As we were looking through the 23 documents, we were -- so our department is 24 1100 South Hamilton. We have outlying courthouses,</p>
<p style="text-align: right;">Page 110</p> <p>1 in the compilation of this data?</p> <p>2 A. No. A lot of the probation officers, 3 especially the stewards, uncovered that they was 4 going back and providing information to management.</p> <p>5 Q. Were there any non-African-Americans 6 assisting in this compilation of data?</p> <p>7 A. Yes.</p> <p>8 Q. And who was that, if you can remember?</p> <p>9 A. Ron Dusman, Christen Loeb. I can't 10 think of the other. I think she retired.</p> <p>11 Q. And were these white officers?</p> <p>12 A. Yes.</p> <p>13 Q. And your role in this compilation of 14 data, would you say that you were in charge of this 15 compilation of data?</p> <p>16 A. As a chief steward, yes.</p> <p>17 Q. Now, you threw a new term at me. What 18 is a chief steward?</p> <p>19 A. So I wore many hats when I was the vice 20 president and president because what I noticed is 21 that -- and it's not -- the union is not part of 22 the lawsuit, but what I noticed was that a lot of 23 the things was taking place under the previous 24 president, Avik Das, when it came to discipline for</p>	<p style="text-align: right;">Page 112</p> <p>1 Markham, Maywood, Rolling Meadows, Skokie. If you 2 look at the makeup of these courthouses, Maywood is 3 particularly made up of African-Americans and 4 Latinos, Bridgeview, maybe a little more mixed, and 5 Markham is more African-Americans, but if you look 6 at Rolling Meadows and Skokie, they are actually, 7 the majority, white probation officers.</p> <p>8 So you can actually call -- and because 9 I was familiar with a lot of the probation 10 officers, because a lot of the probation officers 11 at one point was in jeopardy of losing their jobs, 12 and I actually organized over 150 probation 13 officers to storm the Cook County board room and a 14 mix of probation officers actually attended this 15 rally, and so I got to know a lot of these 16 probation officers.</p> <p>17 When I would hold my quarterly or 18 monthly meetings with the membership, a lot of the 19 probation officers would attend, over 175 probation 20 officers would come to these meetings to hear the 21 information. So we was actually able to look at 22 the sign-in sheet, greet a lot of the probation 23 officers, and that is how we was able to make the 24 determination.</p>

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<p>1        We would talk to other probation 2 officers who was familiar with a particular 3 probation officer name, who actually knew that 4 probation officer and knew -- they would say, Yes, 5 that probation officer is either African-American 6 or white. So if you look at Kelly Flanagan, who 7 was in our department, everybody would assume that 8 she's white, but she's not, she's African-American. 9 So we just did not go by the name. We actually did 10 our due diligence to make sure that this particular 11 probation officer that they was referencing was 12 actually someone of a different race.</p> <p>13      Q. So in compiling this data, you are 14 confident sitting here today that you knew the 15 correct race of every probation officer?</p> <p>16      A. Yes.</p> <p>17      Q. Okay.</p> <p>18      MR. GEOGHEGAN: Off the record for a second. 19                    (WHEREUPON, discussion was had off 20                    the record and a recess was had.)</p> <p>21 BY MR. HAYES:</p> <p>22      Q. Mr. Smith, before we broke for lunch, we 23 were talking about the complaint, if you could get 24 that back in front of you. That is Exhibit 3, and</p>	<p>1 about previously, right? 2      A. Uh-huh, yes. 3      Q. Okay. Did the union compile the data in 4 the form as it is in this complaint? 5      A. I believe so. I believe so. 6      Q. Okay. So you see in paragraph 27 here 7 it says that ten were African-American and then it 8 has 83 percent. Do you see that? 9      A. Uh-huh. 10     Q. And do you know what that percentage 11 is -- what that is a percentage of? 12     A. I'm assuming it's the percentage of the 13 termination or suspensions. 14     Q. For that year, right? 15     A. I believe so. 16     Q. Okay. Did the union put percentages on 17 this data when it was compiling it, if you know? 18     A. I would have to see the documents to 19 give a more accurate response but -- 20     Q. Okay. Then also still on paragraph 27, 21 it said, 12 terminations and/or suspensions, so 22 these set of numbers include terminations and 23 suspensions; is that right? Is that your 24 understanding?</p>
<p>1 turn back to page 7. We were talking about 2 paragraph 26, but now I want to move on to the next 3 several paragraphs that we are going to talk about, 4 27 through 33, which run from page 7 to 10. Let's 5 start with paragraph 27.</p> <p>6      A. Okay.</p> <p>7      Q. It says, For the year 2008, there are a 8 total of 12 terminations and/or suspensions. Of 9 the 12, ten were African-American, one was 10 Caucasian, one was Latino, zero was other, and then 11 it gives percentages. And then it says, For the 12 year 2007, there was a total of one written or 13 verbal reprimand. The one was Latino. Do you see 14 that?</p> <p>15     A. Yes.</p> <p>16     Q. Now, this information that is contained 17 in paragraph 27, is this the data that was compiled 18 by the union that we talked about in paragraph 26?</p> <p>19     A. Yes.</p> <p>20     Q. Okay. So this is data that you helped 21 compile as a member of the union, right?</p> <p>22     A. It's data that was compiled from the 23 information that management provided.</p> <p>24     Q. Right. The records that we have talked</p>	<p>1      A. Yep.</p> <p>2      Q. Do you know if the union ever separated 3 out terminations from the suspensions? 4      A. I believe they did.</p> <p>5      Q. Do you know if there would be any record 6 of that in the data that was compiled by the union? 7      A. Again, there's a lot of documents, so I 8 would actually have to see the documents. But I do 9 recall having a conversation with Mike Willis about 10 the terminations and suspensions and kind of 11 breaking it down.</p> <p>12     Q. Breaking it down differently, as in 13 terminations versus suspensions?</p> <p>14     A. Yes.</p> <p>15     Q. If it was in the documents, would that 16 be in your possession?</p> <p>17     A. Yes.</p> <p>18     Q. If we go -- still paragraph 27 -- and we 19 are not going to go through every one. I just want 20 to kind of get a general review of it.</p> <p>21                    It says at the last sentence of 27, For 22 the year 2008, there was a total of one written or 23 verbal reprimand and one was Latino. Do you see 24 that?</p>

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<p style="text-align: right;">Page 117</p> <p>1 A. Yes.</p> <p>2 Q. And what is the difference between a 3 written and a verbal reprimand?</p> <p>4 A. A verbal reprimand per the collective 5 bargaining agreement stays in your file for 12 6 months. Whereas, a written reprimand stays in your 7 file for 18 months, so it's still documented, in a 8 sense, but I guess procedurally-wise, I guess -- 9 and I can only assume the department wanted to 10 document that this probation officer received a 11 verbal reprimand.</p> <p>12 Q. And then after that, the prescribed time 13 period, that is removed from the personnel file of 14 the employee?</p> <p>15 A. Yes.</p> <p>16 Q. Does the employee have to ask for it or 17 is it automatic?</p> <p>18 A. It's supposed to be automatic. Yeah, 19 it's supposed to be automatic, but if the probation 20 officers are not reviewing their personnel file, 21 then I'm assuming that it would still be in their 22 personnel file. There is no notification that the 23 department sent saying, This verbal or written 24 reprimand is removed from your personnel file, not</p>	<p style="text-align: right;">Page 119</p> <p>1 Q. You said outside entity reviewing your 2 personnel file. What outside entity would review 3 personnel files?</p> <p>4 A. Any company that you may be applying 5 for, they may request certain information regarding 6 that probation officer. If you are applying for a 7 secondary employment, you know, anything, you know, 8 of that nature.</p> <p>9 Q. Okay. Does -- generally speaking, if 10 you know, does an employee of JPD lose any pay or 11 benefits as a result of having a written or verbal 12 reprimand in their file?</p> <p>13 A. No.</p> <p>14 Q. Is there anything in the CBA that if you 15 have so many, then maybe a suspension happens or 16 anything like that?</p> <p>17 A. No. There is no set standards in the 18 department.</p> <p>19 Q. So someone could rack up a dozen of 20 these in their file and the only result would be 21 that you have a dozen of these in your file; is 22 that right?</p> <p>23 A. Basically, yes, in a sense there's a 24 dozen, but, again, it comes to your character. I</p>
<p style="text-align: right;">Page 118</p> <p>1 that I seen through my tenure.</p> <p>2 Q. Okay. As a result of having either one 3 of these reprimands in your personnel file, does 4 anything bad happen to the employee?</p> <p>5 A. Yes.</p> <p>6 Q. What?</p> <p>7 A. For me, it's all about character. I 8 mean, if a person is reviewing your personnel file, 9 especially from an outside entity, they will see 10 that you have been disciplined before, similar to 11 this document. I'm assuming this came from my 12 personnel file.</p> <p>13 Q. Can you refer to -- just say what 14 exhibit number that is, for the record.</p> <p>15 A. Exhibit 1.</p> <p>16 Q. Okay.</p> <p>17 A. Similar to this document, I'm assuming 18 it came from my personnel file. The collective 19 bargaining agreement says that any temporary 20 suspension that didn't result in a conviction is 21 supposed to be removed from my personnel file, 22 which is not -- the reason why it is not a 23 discipline, but apparently this is in my personnel 24 file.</p>	<p style="text-align: right;">Page 120</p> <p>1 mean, I would think that if someone has been 2 written up so many times, if you are challenging 3 these written reprimands, it gets -- it becomes a 4 little bit -- I mean, I understand where you are 5 coming from, but from a person who takes pride in 6 the job that they do or that I do, racking up so 7 many written reprimands, especially if you feel 8 like you have not done anything wrong or they are 9 justifying it by just the slightest imposition of 10 some type of violation of department policy, I 11 mean, it can damage a person's morale, you know, 12 make them not want to come to work, feeling 13 depressed, so on and so forth.</p> <p>14 So when you are looking at it from a 15 monetary perspective, I'm looking at it as a more 16 general perspective of that probation officer, how 17 they feel about their work.</p> <p>18 Q. Do you know if -- again, if you know. 19 If having a verbal or written reprimand in your 20 personnel file would cause an employee to not get a 21 transfer?</p> <p>22 A. I would have to review the CBA, but I 23 think it's only suspensions that prevent --</p> <p>24 Q. Well, are you aware of any instance</p>

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<p>1 where someone did not get a transfer because they 2 had a verbal or written reprimand in their file? 3 A. Not that I'm aware of. 4 Q. Okay. 5 A. Well, let me take that back. It could 6 impact your merit pay, so it could prevent you from 7 getting merit pay at the end of the year. 8 Q. And how would it do that? 9 A. I mean, if you are getting a written 10 reprimand, one would say that you have been 11 disciplined, so how can you actually exceed on your 12 performance evaluation if you have been 13 disciplined. It's still up to that particular 14 supervisor, but, I mean, I would think that would 15 call into question the integrity of the performance 16 evaluation. 17 Q. Yeah, but that was general. Were you 18 aware of any specific instances where that 19 happened? 20 A. I can't recall at this time. 21 Q. Okay. I'm not going to go through all 22 of the other ones all of the way through paragraph 23 33, but if you could look at it and just confirm 24 that the union did compile data that you see here.</p>	<p>1 management to decide the days? 2 A. There's no set standards. 3 Q. Okay. So there's no, like, progressive 4 discipline laid out in the CBA? 5 A. Supposed to be. It's supposed to be a 6 verbal, written, suspension, and then possibly 7 termination. 8 Q. And the CBA lays that out, or is that -- 9 A. Is how it's laid out in the CBA. 10 Q. Okay. On page 10 there, paragraph 34 -- 11 A. Okay. 12 Q. -- it says, Union Local 3477 also 13 performed an analysis of the labeling utilized by 14 the defendants to describe the misconduct allegedly 15 committed by juvenile probation officers during the 16 period 2008 through 2013. Do you see that? 17 A. Uh-huh. 18 Q. And was that done as part of the same 19 compilation of data that we talked about in 20 paragraph 26 by the union? 21 A. Yes. 22 Q. And this analysis was done by reviewing 23 all of the discipline and other records that you 24 had received?</p>
<p style="text-align: right;">Page 122</p> <p>1 A. I mean, it looks correct. 2 Q. And I understand that you don't -- I 3 understand. Does anything look off to you? 4 A. No. 5 Q. Okay. 6 A. I mean, without having my document in 7 front of me. 8 Q. That's fine. 9 A. But it looks accurate. 10 Q. I understand. So we talked about 11 reprimands, and termination is self-explanatory. 12 A suspension is defined as a discipline 13 in the CBA, right? 14 A. I'm sorry. Say it again. 15 Q. A suspension is defined as a discipline 16 in the CBA; is that right? 17 A. Verbal, written, yes, and termination. 18 Q. And a suspension? 19 A. Yes. 20 Q. Are suspensions that are considered 21 discipline, are they always without pay? 22 A. Yes. 23 Q. And does the CBA have kind of a set 24 step, like one, three-day, or is it up to</p>	<p>1 A. It was done off of the records that 2 was -- that the union had available at that time. 3 Q. You talked about this before, but you 4 know what it's referring to when it says, The 5 labeling utilized by defendants? You know what 6 this is referring to? 7 A. Yes, because they have a -- the 8 department has a label of what the actual offense 9 was or the supposed actual offense. 10 Q. Is that like a list somewhere? 11 A. Again, yes, there's a list. 12 Q. And is this laid out in the CBA or no? 13 A. It's not laid out in the CBA. It's what 14 Rose Golden provided to the union. 15 Q. All right. 16 A. But maybe I'm not understanding your 17 question correctly. You said something about the 18 CBA. 19 Q. Yeah. Does the CBA have a list of these 20 are -- 21 A. Punishable offenses? 22 Q. Yeah. 23 A. No. Again, there's no set standards. 24 Q. Thanks. You asked the question better</p>

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<p style="text-align: right;">Page 125</p> <p>1 than I did.</p> <p>2 The next paragraph, 35, says, The</p> <p>3 analysis revealed that the defendant employer was</p> <p>4 using its records, a descriptive label to describe</p> <p>5 the character of misconduct for a</p> <p>6 non-African-American probation officer that was</p> <p>7 less aggravating but would use a different, more</p> <p>8 aggravating label for an African-American probation</p> <p>9 officer who was accused of committing a similar</p> <p>10 type of misconduct. Do you see that?</p> <p>11 A. Yes.</p> <p>12 Q. And, again, you were involved in this</p> <p>13 analysis, right?</p> <p>14 A. Yes.</p> <p>15 Q. Can you give me an example of where the</p> <p>16 defendant used a more aggravating label for</p> <p>17 an African-American officer than for a</p> <p>18 non-African-American officer?</p> <p>19 A. Yeah, Joi Basley.</p> <p>20 Q. What happened there?</p> <p>21 A. Joi Basley initially was suspended for</p> <p>22 three months for falsification, under whatever</p> <p>23 duress or maybe even committing the offense of</p> <p>24 falsification, which she probably did. I am not</p>	<p style="text-align: right;">Page 127</p> <p>1 he'll come back and give me an opportunity to</p> <p>2 correct my mistake, and I would actually resubmit</p> <p>3 an amended white sheet and say, No, I did not see</p> <p>4 that kid, it's impossible because I was in the</p> <p>5 office all day. That is the point of</p> <p>6 investigation.</p> <p>7 Well, in this instance, Joi Basley did</p> <p>8 exactly the same thing, and her supervisor in an</p> <p>9 e-mail to me actually admitted that he recognized</p> <p>10 that it was a mistake. So he did not want to go to</p> <p>11 discipline, but apparently Mike Rohan got wind of</p> <p>12 what happened because I guess the supervisor had to</p> <p>13 give a report about Joi Basley's progression, and</p> <p>14 he said that was falsification and her employment</p> <p>15 was terminated.</p> <p>16 Whereas, you had Kevin Gavin --</p> <p>17 Q. Wait. So she was terminated or just</p> <p>18 suspended?</p> <p>19 A. She was initially suspended for three</p> <p>20 months for falsification, and then the second time</p> <p>21 around, her employment was terminated based off</p> <p>22 that one mistake because it was a last chance</p> <p>23 agreement.</p> <p>24 Q. Okay. Did she do something wrong the</p>
<p style="text-align: right;">Page 126</p> <p>1 questioning that.</p> <p>2 She was suspended for three months. She</p> <p>3 then returned to work, and the department had given</p> <p>4 her a last chance agreement, meaning that anything</p> <p>5 that you did, if you spit wrong in the department</p> <p>6 bathroom, you could possibly be terminated.</p> <p>7 So what happened, Joi Basley came back</p> <p>8 to work. She was under a corrective action plan,</p> <p>9 and, again, probation officers are required to have</p> <p>10 like a green sheet, meaning what you intend to do,</p> <p>11 and a white sheet, meaning what you actually did on</p> <p>12 that day. So she put down on her green sheet --</p> <p>13 and I was directly involved in this.</p> <p>14 Q. Which would be my next question.</p> <p>15 A. Yeah, I was directly involved. She put</p> <p>16 on her green sheet that she saw such-and-such</p> <p>17 client. She actually didn't, but she transferred</p> <p>18 from her green sheet onto her white sheet that she</p> <p>19 did, which I made that mistake because in my head,</p> <p>20 you know, I have investigations, I have so many</p> <p>21 things going on, I'm actually thinking, Well, I</p> <p>22 possibly could have saw that kid.</p> <p>23 Now, if your supervisor checks your</p> <p>24 work, he'll say, Is your white sheet correct? And</p>	<p style="text-align: right;">Page 128</p> <p>1 second time?</p> <p>2 A. No. She made a mistake. She actually</p> <p>3 transferred the green sheet over to a white sheet</p> <p>4 mistake.</p> <p>5 Q. And you are the union steward; is that</p> <p>6 right, or whatever, union representative; is that</p> <p>7 right?</p> <p>8 A. Yes, yes. But you asked for a</p> <p>9 comparable.</p> <p>10 Q. Yeah. I was going to follow up. How is</p> <p>11 that more aggravating compared to similar conduct</p> <p>12 of a non-African-American employee?</p> <p>13 A. So here you have Kevin Gavin, who</p> <p>14 apparently did exactly the same thing. If you look</p> <p>15 at the record for Kevin Gavin, he initially got a</p> <p>16 written reprimand for something similar to Joi</p> <p>17 Basley, but it was a written reprimand.</p> <p>18 In that document, the second time</p> <p>19 around, Mike Rohan says that, This is not</p> <p>20 aberration, that this is something that has</p> <p>21 happened before, and your white sheet and green</p> <p>22 sheet cannot be reconciled. Meaning that he's not</p> <p>23 using the word "falsification," but he's</p> <p>24 questioning the integrity of your white sheet and</p>

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<p style="text-align: right;">Page 129</p> <p>1 your green sheet, meaning that you did not do 2 something right and your time is not accountable. 3 To not have any set standards in the 4 department, how can you then make a determination 5 that that is not falsification for a white 6 probation officer, but for a black probation 7 officer, who the second time around admits to a 8 mistake, you terminate her employment by 9 classifying it as falsification. But Kevin Gavin 10 was given just a day and a half suspension. 11 Q. Okay. 12 A. For his second offense. 13 Q. So he got the same thing. Did he get a 14 last chance agreement? 15 A. No. 16 Q. Okay. 17 A. If you look at -- and hopefully you'll 18 get all of the documents. 19 Q. Oh, I hope so too. 20 A. You'll see the list, and on this list 21 you'll see that no white probation officer was ever 22 given a last chance agreement, no white probation 23 officer. 24 Q. So there's a list that lists everyone</p>	<p style="text-align: right;">Page 131</p> <p>1 go to the director. 2 In this instance, Mike Rohan received a 3 report, and rather than Kevin Gavin challenging any 4 type of predisciplinary hearing, he just took the 5 day and a half and that is it. Whereas, with 6 African-American probation officers, they usually 7 fight their discipline, and that is the reason why 8 oftentimes, and not in this -- well, let me 9 rephrase that. 10 Joi Basley did not fight her three-month 11 suspension. She actually accepted it under duress, 12 so did Anthony Jordan. But normally they cut it 13 off before it gets to a certain point, that they 14 just impose the discipline, and typically the white 15 probation officers, they don't file grievances. 16 And you'll see that on the list. 17 Q. All right. Back to 35. Can you think 18 of any other specific examples where the labels 19 were different for African-Americans and 20 non-African-Americans? 21 A. Judy Prophete. 22 Q. Okay. Are you directly involved in that 23 one? 24 A. No.</p>
<p style="text-align: right;">Page 130</p> <p>1 that got last chance agreements? 2 A. This came from the department. 3 Q. And they provided it to the union? 4 A. Yes. 5 Q. Do you know if Kevin Gavin and Joi 6 Basley had the same supervisor? 7 A. Not that I'm aware of. He was not in 8 the same unit. 9 Q. Was it around the same time? 10 A. His was a little bit before Joi Basley. 11 Q. What year -- I think we are getting -- 12 A. I think Joi Basley was terminated in 13 2014, if I'm not mistaken. 14 Q. I lost the question, but it came back. 15 Were you involved as a union rep in Kevin Gavin's 16 grievance? 17 A. No. It was not a grievance. 18 Q. So it was just a discipline? 19 A. So what normally happens, the department 20 has a tendency to cut off things before it kind of 21 manifests itself, so a report is sent to Mike Rohan 22 and it's supposed to be that the deputies have the 23 authority to suspend a probation officer for three 24 days. Anything above the three days is supposed to</p>	<p style="text-align: right;">Page 132</p> <p>1 Q. That would have been through a review of 2 the documents? 3 A. Yes. 4 Q. Could you just give me a kind of brief 5 overview of what the documents showed about her? 6 A. The documents would show that she lied 7 about making certain home visits. The document 8 would show that -- 9 Q. Sorry. I forgot. She's white? Is she 10 white? 11 A. Yeah, she's white. 12 Q. Sorry. Go ahead. 13 A. The document would show that the 14 department actually thought that and believed that 15 she falsified. There were conversations that was 16 taking place saying that this was not 17 falsification. However, the department only 18 suspended her for seven days and never gave her a 19 last chance agreement, but it's the write-up for 20 the predisciplinary hearing and the investigatory 21 hearing. 22 But it will show that over an extended 23 period of time, she was not in compliance with the 24 department policies.</p>

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1     Q. Any other ones about the labeling that 2 you can think of as you sit here, specific 3 examples?	1     Q. Is that what you were just referring to? 2     A. Yes.
4     A. Well, if you look at -- I'm never trying 5 to be rude or anything, so if it comes across that 6 way, please don't take it that way.	3     Q. Do you have any specific personal 4 knowledge of any of these bad faith claims? 5     A. Yes.
7     Q. That's okay.	6     Q. Could you give me a name? 7     A. Dan Walsh.
8     A. If you look at the information in the 9 lawsuit, there was rarely any whites that was 10 really disciplined. Even Mike Willis, to the 11 Illinois Human Rights Commission said that whites 12 are rarely disciplined within the department.	8     Q. Dan Walsh who you just talked about, 9 right? 10    A. Yes.
13    So if you can see from the data, there 14 was not a lot of whites that was being disciplined, 15 just the information that we received per the 16 union, we was able to compile these records and 17 these documents and see that certain terminologies 18 was being used to justify just a day and a half 19 suspension for these particular officers.	11    Q. Were you the union representative on 12 that? 13    A. Yes.
20    Q. So there weren't -- I'm just trying to 21 get which notes. You can't think of any -- or can 22 you, any other specific examples of labeling 23 disparities as you sit here?	14    Q. Sorry. Could you again briefly describe 15 what specifically happened to Mr. Walsh? 16    A. Ed Walsh was cited for insubordination. 17    There was an instance where the department had 18 begun to tell probation officers not to go in court 19 and advocate for certain juveniles to be held in 20 custody, despite them having serious offenses. And 21 Ed Walsh had told his supervisor that he had to 22 give the judge all of the required information.
24    A. Well, they started to use whites as	23    He then submitted a report to the judge 24 and to the attorney, I believe, and I can't recall
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1    scapegoats, if that is what you are talking about. 2 They used Ed Walsh as a scapegoat to try to cover 3 up what they was trying to do as far as 4 disciplining more whites, after I started filing 5 complaints and grievances over racial 6 discrimination.	1    verbatim the case, but he submitted a report, and 2 he then went back and took out the report out of 3 the folder on the file of the client. And he 4 supposedly had a conversation with his supervisor 5 about it, and they said that it was insubordination 6 because he did not follow the directive of his 7 immediate supervisor, but we did not see any type 8 of insubordination.
7    William Patterson said in the chief 8 judge's office, in front of Keith Sevcik, that if 9 the union wasn't complaining about discrimination, 10 you wouldn't be here. That is verbatim.	9    And for William Patterson to actually 10 state that if it was not for the union complaining 11 about racial discrimination, it verified my belief 12 that the only reason why he was here was because of 13 them trying to cover up what had actually taken 14 place in juvenile probation because why would he 15 make that statement.
11   Q. You are making me jump around now.	16   Q. Did you hear Mr. Patterson make that 17 statement?
12   A. I'm sorry.	18   A. Yes, and Ed Walsh and another union 19 steward who was present as well and Keith Sevcik.
13   Q. No, don't be sorry. It's fine.	20   Q. This was -- was this during one of the 21 grievance step hearings?
14   If you could look at page 11, 15 paragraph 38, I think that is exactly what you are 16 talking about. Recently, the defendant, chief 17 judge, has permitted or acquiesced to actions of 18 the Cook County Department of Juvenile Probation, 19 making bad faith claims of misconduct by white or 20 non-African-American probation officers so as to 21 portray past and current disciplinary acts as 22 evenhanded for all probation officers regardless of 23 race. Do you see that?	22   A. Yes.
24   A. Yes.	23   Q. And do you remember which step it was? 24   A. It was Step 4 at the Office of the Chief

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<p style="text-align: right;">Page 137</p> <p>1 Judge. 2 Q. Okay. 3 A. Now, Ed Walsh had never been disciplined 4 before, never received a verbal, written, and they 5 jumped immediately to suspension, and he has over 6 20 years of service in the department. 7 Q. So it's your belief that Mr. Walsh was 8 disciplined to cover up the discipline of 9 African-Americans; is that right? 10 A. Initially, I did not believe that. When 11 we was going through the first, second, and third 12 steps, we was just going through the process, but 13 when William Patterson actually said what he 14 actually said to Ed Walsh, I told Keith Sevcik, 15 It's supposed to be just cause, not just because of 16 his color. 17 Q. Now, I know that you were there. To the 18 best of your recollection, can you give me a quote 19 of what Mr. Patterson said? 20 A. He said if it wasn't for the union, 21 which -- 22 Q. I don't want you to speculate, just 23 exactly what he said. 24 A. He said if it was not for the union</p>	<p style="text-align: right;">Page 139</p> <p>1 Q. But you weren't involved in that one, 2 correct? 3 A. At the beginning and then I kind of 4 veered off of the case. 5 Q. Are there any other ones, bad faith 6 claims of misconduct, against white or 7 non-African-American probation officers, that you 8 were involved in? 9 A. Nancy Friedman. 10 Q. Tell me about that one. 11 A. She's deceased. She was a -- 12 Q. What is her race before we start? 13 A. She's white. She was given a written 14 reprimand for being late to a training that she had 15 to come from Skokie into the city to attend, and 16 she was late for a training. During the hearings, 17 Nancy Friedman explained to them the reason why she 18 was late, and the department basically said, We 19 don't want to hear it, we just want to give you a 20 written reprimand. There was really no 21 justification for them actually giving a written 22 reprimand, in my opinion, because she was stuck in 23 traffic. Now, if she intentionally was late or 24 somehow just was playing out on the street, but</p>
<p style="text-align: right;">Page 138</p> <p>1 complaining about racial discrimination, you would 2 not be here. 3 Q. And Mr. Patterson's position is what? 4 A. Human resource director. 5 Q. Okay. Of the juvenile probation 6 department? 7 A. Yes. 8 Q. And Mr. Patterson's race? 9 A. He's African-American. 10 Q. Outside of Mr. Walsh, do you have any 11 other specific examples of bad faith, claims of 12 misconduct against white or non-African-American 13 probation officers? 14 A. I believe -- and I did not see the case 15 through because I wasn't involved in the union 16 anymore, so I want to give you another case but I 17 don't -- 18 Q. If you would give me a name, that would 19 be helpful? 20 A. Tina Guarnuer. 21 Q. Tina? 22 A. Yeah. 23 Q. And how do you spell her last name? 24 A. G-u-a-r-n-u-e-r.</p>	<p style="text-align: right;">Page 140</p> <p>1 this was a 70-year-old woman who was late for a 2 training, that had been there for over 50 years, I 3 believe -- no. She had been there for -- let's 4 see. Nancy Friedman, I believe, was there for 38 5 years before she decided to retire. 6 Q. Any other ones that you were involved in 7 personally? 8 A. Not that I can remember offhand right 9 now, but, again, there was not a lot of white 10 probation officers being disciplined during that 11 time. 12 Q. Let's see. Still on page 11. The next 13 one is 39. That is Ed Walsh. We already talked 14 about him, right? 15 A. Yes. 16 Q. The next one is No. 32. It must have 17 got misnumbered. It says, Previously actions by 18 white officers did not receive the same discipline 19 or scrutiny as actions by their African-American 20 peers. Do you see that? 21 A. Yes. 22 Q. Okay. And then it talks about four 23 white female probation officers who were 24 romantically and sexually involved with clients,</p>

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<p>Page 141</p> <p>1 and none were terminated or prosecuted. Let's 2 start with that one.</p> <p>3 A. Okay.</p> <p>4 Q. Did you have any personal involvement in 5 any of those, I guess, issues?</p> <p>6 A. No.</p> <p>7 Q. Okay. Did you review documents that 8 talked about this?</p> <p>9 A. No.</p> <p>10 Q. In the last sentence here and still in 11 the paragraph 32, asterisk, I'll call it, In 12 another case, a white probation officer was using 13 county funds to purchase purses, but she was not 14 terminated. Do you see that?</p> <p>15 A. Yes.</p> <p>16 Q. Were you involved in that?</p> <p>17 A. No.</p> <p>18 Q. Did you ever recall reviewing documents 19 about that case?</p> <p>20 A. No. She was not in the bargaining unit.</p> <p>21 Q. Okay. But you know who it is referring 22 to?</p> <p>23 A. I don't deal in speculations, so 24 anything that is factual, I provide. But of course</p>	<p>Page 143</p> <p>1 discrimination within the Cook County Juvenile 2 Probation Department. A copy of the letter was 3 sent to defendant, chief judge. Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. And did you send a letter to the 6 Department of Justice?</p> <p>7 A. Yes.</p> <p>8 (WHEREUPON, a certain document was -10:-22:-47 marked Smith Deposition Exhibit 10 No. 4, for identification.)</p> <p>11 BY MR. HAYES:</p> <p>12 Q. Okay. Mr. Smith, you have been handed 13 Exhibit 4. I know it's going to get slightly 14 confusing. It's Bates labelled -- the first page 15 is Jordan 82, and then it goes 81, then it drops to 16 77, 78, 79, 80, 83. Is that what you have?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. Now, I can tell you what I did 19 was, I tried to put it in what I thought was the 20 order it was probably sent, but we can talk about 21 that. That is why the Bates labels are a little 22 off.</p> <p>23 A. Okay.</p> <p>24 Q. Is this the letter that you sent to the</p>
<p>Page 142</p> <p>1 rumors are rampant throughout the department, and 2 apparently people have access to information that 3 other people are not privy to have. But I have 4 heard about the probation officer who used county 5 funds to purchase purses, and she actually -- and 6 it might be another reason why she was demoted.</p> <p>7 Q. Can you give me her name?</p> <p>8 A. Again, I don't deal in speculations.</p> <p>9 Q. I know, but you obviously know who it is 10 talking about, and I just need it so I can review 11 it and look it up.</p> <p>12 A. I don't deal in speculations.</p> <p>13 Q. I would really --</p> <p>14 A. You have to talk to your --</p> <p>15 MR. GEOGHEGAN: We'll take that under 16 advisement.</p> <p>17 MR. HAYES: Okay. Thanks.</p> <p>18 BY MR. HAYES:</p> <p>19 Q. Let's move on to paragraph 40 here, and 20 I'll read this one. In 2014, with the aid of the 21 compiled records, Jason Smith sent a letter to the 22 Civil Rights Division, Employment Litigation 23 Section, Department of Justice, requesting the 24 initiation of an investigation in the racial</p>	<p>Page 144</p> <p>1 Department of Justice?</p> <p>2 A. Pages 1 and 2.</p> <p>3 Q. So --</p> <p>4 A. Well, no, because it does not have my 5 signature at the bottom.</p> <p>6 Q. Right. If you look at 83, which is the 7 last page --</p> <p>8 A. Uh-huh.</p> <p>9 Q. -- does that go with this letter or is 10 this different?</p> <p>11 A. 83 and 82 go together.</p> <p>12 Q. Okay. What does 77, 78, 79, and 80 go 13 with, if you know?</p> <p>14 A. It's a report that I gave to the Office 15 of the Chief Judge and Cook County juvenile 16 probation, that I used during the grievance 17 process.</p> <p>18 Q. Okay. So this is more than the letter 19 that you sent to the Department of Justice; is that 20 right?</p> <p>21 A. Yes.</p> <p>22 Q. Again, apologies. I was trying to piece 23 it together. If you recall, how long was the 24 letter that you sent to the Department of Justice?</p>

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1 A. Two pages.	1 sent the chief judge a copy of this letter?
2 Q. Okay. Do you think there's some missing	2 A. I did.
3 on 80 and 81 -- or, sorry, 82 and 81, or is it just	3 Q. How did you send it to him?
4 your signature there?	4 A. Certified mail.
5 MR. GEOGHEGAN: Off the record.	5 Q. Okay. Let's focus on the DOJ. Did you
6 (WHEREUPON, discussion was had off	6 ever receive a response from the Department of
7 the record.)	7 Justice to your letter?
8 BY MR. HAYES:	8 A. No.
9 Q. Let's try to get this cleaned up as best	9 Q. Did you ever receive a response from the
10 as we can. We talked about it off the record a	10 Office of the Chief Judge to your letter?
11 little bit. It appears that Jordan deposition --	11 A. No.
12 sorry -- Jordan Bates No. 82, 81, and 83 in that	12 Q. Did anyone from the Office of the Chief
13 order is at least some version of the letter that	13 Judge ever talk to you about your letter --
14 you sent to the Department of Justice; is that	14 A. No.
15 right?	15 Q. -- to the Department of Justice,
16 A. Yes.	16 Exhibit 4?
17 Q. Okay. And at this point we are just	17 A. Not that I can recall.
18 kind of going to ignore 77, 78, 79, and 80. You	18 Q. Did anyone --
19 believe that is something different, right?	19 A. But I did have a phone conversation with
20 A. I know it's something different.	20 someone from the Department of Justice.
21 Q. Okay. So those four pages that were	21 Q. Okay. Did I not ask that? So tell me
22 just 77, 78, 79, and 80, that was not sent to the	22 about your phone call. Was it after you sent the
23 Department of Justice?	23 letter?
24 A. No. No.	24 A. I believe so.
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1 Q. All right. Let me ask this, do you have	1 Q. And someone from the Department of
2 in your possession a final version of the letter	2 Justice called you, or did you call them?
3 that you sent to the Department of Justice?	3 A. I called them.
4 A. Yes.	4 Q. Okay. And you think it was after you
5 Q. And does the first page here, the date	5 sent the letter?
6 says, May 14, 2014. Does that sound like the right	6 A. I'm sure it was because I was doing
7 date that you sent it to them?	7 follow-up.
8 A. Yes.	8 Q. Do you know approximately how long after
9 Q. Did you have any assistance in drafting	9 it was that you sent the letter?
10 this letter?	10 A. Maybe -- maybe about a month.
11 A. Yes.	11 Q. Okay.
12 Q. Who helped you with that?	12 A. A month or so.
13 A. Just the union. Just people from the	13 Q. Do you recall who you spoke to at the
14 union.	14 Department of Justice?
15 Q. Do you have any specific names?	15 A. I don't. I don't have my notes with me.
16 A. Let's see. There's so many. There was	16 Q. That's all right. Just sitting here, do
17 many people that was involved. I believe I talked	17 you know what that person said to you?
18 to Mike Willis about it.	18 A. I can recall them telling me that we did
19 Q. Any of the plaintiffs, to make it easier	19 not have to go through the EEOC, that we can submit
20 to help you with this?	20 information to the Department of Justice and civil
21 A. No.	21 rights, that is what they told me, and then I asked
22 Q. Okay. And going back to the complaint,	22 them about if they had an idea of when they would
23 paragraph 40, the last sentence says, A copy of the	23 respond back to the letter, and the gentleman told
24 letter was sent to defendant chief judge. So you	24 me that he did not, that he had no information if

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<p>1 they even received the letter.</p> <p>2 Q. Okay. Did you then send any more</p> <p>3 information to the Department of Justice?</p> <p>4 A. Not that I can recall, but I do remember</p> <p>5 sending certified letters out.</p> <p>6 Q. You mean your original letter was</p> <p>7 certified, is that what you are referring to or</p> <p>8 extra letters?</p> <p>9 A. No, not my original letter. No,</p> <p>10 priority mail.</p> <p>11 Q. You said that you -- sorry. I'm trying</p> <p>12 to clear this up. You said that you sent certified</p> <p>13 letters, right?</p> <p>14 A. Yeah, to make sure that they got to</p> <p>15 their destination.</p> <p>16 Q. Right. Are you referring to this</p> <p>17 original letter that you sent?</p> <p>18 A. Yeah.</p> <p>19 Q. So you didn't send another letter, that</p> <p>20 is what I'm trying to get at?</p> <p>21 A. I think I did try to -- I don't know if</p> <p>22 I did not follow up. I made a phone call, and then</p> <p>23 I -- some investigator from the EEOC was talking to</p> <p>24 me. She was conducting an investigation. So I</p>	<p>1 alleged?</p> <p>2 A. The same thing that is in this report.</p> <p>3 Q. Sorry. In the letter that you sent to</p> <p>4 the DOJ?</p> <p>5 A. Uh-huh, regarding fair discipline when</p> <p>6 it comes to African-Americans, different working</p> <p>7 conditions, things like that.</p> <p>8 Q. To your knowledge, did the EEOC conduct</p> <p>9 an investigation based on that charge the local</p> <p>10 filed?</p> <p>11 A. Yes.</p> <p>12 Q. Okay.</p> <p>13 A. As far as I know.</p> <p>14 Q. What is your basis of that knowledge?</p> <p>15 You just said as far as you know, so I'm trying to</p> <p>16 figure it out?</p> <p>17 A. I was directed by the president of the</p> <p>18 local at that time, Mike Willis, to file a</p> <p>19 complaint for racial discrimination.</p> <p>20 Q. Right. So what I'm talking about, did</p> <p>21 the EEOC then investigate that complaint? Well,</p> <p>22 let's -- I can ask it better.</p> <p>23 So the EEOC investigator called you</p> <p>24 regarding this charge; is that right?</p>
<p>1 think once the EEOC got involved, I'm not sure if I</p> <p>2 followed up with another letter or not. I would</p> <p>3 have to look at my records.</p> <p>4 Q. Okay. Now we are going to go down</p> <p>5 another path. The EEOC investigator -- well, let's</p> <p>6 tie this one off first. Outside the phone call</p> <p>7 that you made to the Department of Justice, was</p> <p>8 there any other more contact with the Department of</p> <p>9 Justice regarding your May 2014 letter?</p> <p>10 A. No.</p> <p>11 Q. Now let's go to the EEOC investigator</p> <p>12 that you just mentioned. Was that in relation to a</p> <p>13 charge of discrimination that you personally filed</p> <p>14 or a different charge?</p> <p>15 A. The local filed.</p> <p>16 Q. So when did the local file a charge of</p> <p>17 discrimination?</p> <p>18 A. I believe it was maybe 2014.</p> <p>19 Q. And what happened with that charge?</p> <p>20 A. Certain people in the union became</p> <p>21 upset. I believe that the EEOC did not come to a</p> <p>22 conclusion, so I guess we kind of let it kind of</p> <p>23 fall to the wayside.</p> <p>24 Q. And do you recall what that charge</p>	<p>1 A. Yes.</p> <p>2 Q. Outside of that call, did you</p> <p>3 participate in anything else with the EEOC</p> <p>4 investigation -- sorry -- just with the EEOC</p> <p>5 regarding this charge?</p> <p>6 A. No.</p> <p>7 Q. Okay.</p> <p>8 A. I'm sorry. Let me make sure that I'm</p> <p>9 answering correctly. Are you asking me if I was</p> <p>10 involved in other complaints of discrimination? Is</p> <p>11 that your question?</p> <p>12 Q. No, that was not my question. I just</p> <p>13 wanted to know outside of that call by the</p> <p>14 investigator, if you were involved personally in</p> <p>15 anything else that the EEOC did regarding your</p> <p>16 charge filed by the local?</p> <p>17 A. She asked for information.</p> <p>18 Q. Did you provide that information?</p> <p>19 A. I believe I did.</p> <p>20 Q. Are you personally aware of the outcome</p> <p>21 of that charge of discrimination filed by the</p> <p>22 local?</p> <p>23 A. No. I'm not sure.</p> <p>24 Q. Okay. The complaint, back to Exhibit 3</p>

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1 there, back where we were, page 11, paragraph 41. 2 The union has also directly notified defendant 3 chief judge of several examples of the disparate 4 treatment of African-American juvenile probation 5 officers by subordinates in the Cook County 6 juvenile probation department. Do you see that? 7 A. Uh-huh. 8 Q. And I believe we have already talked 9 about that today, but I just want to know, were 10 there any other instances where you notified the 11 defendant about disparate treatment of 12 African-American probation officers that we have 13 not talked about previously? 14 A. I think I began to cc the chief judge on 15 grievances because his human resource director, 16 Laura Kelly, sent me an e-mail asking me why I was 17 involving the chief judge or cc'ing the chief 18 judge. 19 Q. You mean cc'ing the chief judge on 20 e-mails? 21 A. Yes. 22 Q. Okay. Do you have any of these e-mails 23 where you cc'ed him? 24 A. Yes.	1 Q. Who is she? 2 A. She's a supervisor and probation 3 officer. 4 Q. Race? 5 A. She's Latina. 6 Q. I believe you mentioned Virginia 7 Caulfield. 8 A. She's white. She's the deputy chief 9 probation officer. 10 Q. Okay. So my question here on this one, 11 which is B, on page 12 and 13, did you hear 12 Ms. Caulfield say that? 13 A. No. 14 Q. But Ms. Ortiz told you that she said 15 that? 16 A. She sent it to me in an e-mail. 17 Q. And do you still have that e-mail? 18 A. Yes, and she cc'ed Mike Rohan, Rose 19 Golden, Charles -- I think it was Charles Young as 20 well, but I do have that e-mail. 21 Q. Did you ever ask Ms. Caulfield why she 22 said she would never discipline Ms. Loeb? 23 A. No. 24 Q. Okay. C on page 13 is Lauren Brown.
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1 Q. Okay. If you would turn to page 12. 2 Paragraph 46 says, These acts have resulted in 3 disparate treatment of juvenile probation officers 4 on the basis of their race, including, and then 5 over the next few pages it lists several 6 individuals. 7 So I want to go through these, 8 Mr. Smith, as fast as we can and just find out what 9 your personal knowledge is of each of these 10 individuals. We already talked about Emily Pierce, 11 right? 12 A. Yes. 13 Q. Christen Loeb, we already talked about 14 her, right, didn't we? 15 A. A little bit. We did not talk about the 16 e-mail that Alicia Ortiz sent me regarding her 17 conversation that she had with Virginia Caulfield 18 that actually states that Christen -- 19 Q. Go ahead. 20 A. -- that Christen Loeb would never be 21 disciplined. 22 Q. You mentioned several people in there. 23 Alicia Ortiz? 24 A. Yes.	1 I'm going to paraphrase these and always feel free 2 to correct me. It says that she got a three-month 3 suspension for not placing notes into a computer 4 system; is that right? 5 A. Yes. 6 Q. Were you personally involved in that 7 one? 8 A. Yes. 9 Q. So was that grieved? 10 A. Yes. And she received -- she did not 11 just get a three-month suspension, she got multiple 12 suspensions. She first got a 20-day and then she 13 got, I believe it was -- I think it was 20 days and 14 then it was three months. 15 Q. Does she still work there? 16 A. Yes. 17 Q. Okay. A sentence here in this Lauren 18 Brown says, A white probation officer would not 19 have received the same discipline. Do you see 20 that? 21 A. Yes. 22 Q. Do you have any specific examples of a 23 white probation officer not receiving the same 24 discipline for the same infraction?

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1 A. Yes. 2 Q. Okay. Give me that. 3 A. Sharon Throwkoc. 4 Q. Could you spell that? 5 A. S-h-a-r-o-n, T-h-r-o-w-k-o-c. 6 Q. Okay. She's white? 7 A. Yes. 8 Q. What happened with her? 9 A. She did not assign Howard Brown the case 10 that was supposed to be monitored by Howard Brown, 11 who is African-American, that they initiated an 12 investigation or investigatory hearing on Mr. Brown 13 but did not initiate an investigatory hearing on 14 Sharon Throwkoc. 15 Q. What was Sharon's position? 16 A. She was a supervisor at that time. 17 Q. Okay. What was Lauren Brown's position? 18 A. She was an adjudicator/screener. 19 Q. What does that mean? 20 A. Our department is unique. The screener 21 usually deals with informal station adjustments, 22 kids who are not directly involved in the juvenile 23 justice system, so the police send them over for 24 certain services. Out in Markham you only	Page 157 1 arbitration, the chief judge counsel at that time 2 decided to make a settlement offer to Lauren Brown. 3 Q. Let's go to the next one, D, Kevin 4 Gavin, who again I believe you already talked 5 about. Are you personally involved in Mr. Gavin's 6 case? 7 A. No. 8 Q. Did you learn about Mr. Gavin through a 9 review of the documents? 10 A. Yes. 11 Q. The next one, E, is Kaletha Seay? 12 A. Kaletha. It's not spelled correct, but 13 it's okay. 14 Q. Again, we have already talked about her. 15 Let me just see if there's anything. Is Ms. Patla, 16 P-a-t-l-a, still with the department? 17 A. Yes. 18 Q. And how do you know that she tested 19 positive for marijuana? 20 A. I have the document, and I was present. 21 Q. For her -- present for what? 22 A. For the investigatory hearing. 23 Initially, it was an informal conversation because 24 the CBA does not require a probation officer to
1 adjudicate maybe us once or twice out of the week, 2 meaning that you sit in the courtroom, you could 3 plead certain court orders for the judges, you 4 input certain information into the system for the 5 judges, so in essence Lauren Brown was doing two 6 jobs and only getting paid for one. 7 Q. Okay. And to be clear, did Sharon 8 commit the same infraction as Lauren Brown? 9 A. I believe that Lauren Brown did not 10 commit any infraction, to be quite honest. After 11 we went through the entire grievance process, it 12 showed that Lauren Brown actually did input the 13 information into the system, which led to the 14 department rescinding once it got to arbitration 15 and using the data that I compiled, they actually 16 reversed the decision and awarded Lauren Brown with 17 all of her days back. 18 Q. Okay. So she was suspended but then she 19 got her pay for that day eventually back, for those 20 days? 21 A. For those months. 22 Q. Those months? 23 A. Yeah, after Mike Rohan was gone and 24 after the compiling of this data that they used at	Page 158 Page 160 1 take drug tests, so against our advice, Ms. Patla 2 voluntarily took a drug test and I was present. 3 Q. Okay. 4 A. The department did not initially place 5 her on temporary suspension. They allowed her just 6 to go home. 7 Q. It says she was disciplined. Was she 8 disciplined in any way? What was her discipline? 9 A. Well, in my opinion, she was not really 10 disciplined because they only imposed a temporary 11 suspension, which is not discipline, but because 12 she was suspended for 14 days, they allowed that to 13 stand. So the first 14 days are without pay, and 14 after the -- after the first 14 days, you are 15 allowed to use your vacation time, compensatory 16 time, or any leave to make up for any lost pay. 17 Q. Is that for regular suspension or 18 temporary suspension you are talking about? 19 A. The first 14 days are without pay. 20 Q. For what kind -- for both suspensions? 21 A. No, just for a temporary suspension. 22 Q. For temporary. 23 A. Because temporary suspension is not 24 discipline according to the department.

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1     Q. Right.	1     A. Falsification.
2     A. But rather than filing the grievance	2     Q. Okay. Is that the official label that
3 over the temporary suspension, she allowed it just	3 they put on it?
4 to stand and asked the union not to file a	4     A. That was the official label, and she
5 grievance.	5 probably did falsify.
6     Q. Okay.	6     Q. Is this, again, the green/white sheet
7     A. So they would have brought her back	7 thing, or is it something different?
8 within three days. That would probably have been	8     A. Any time there's falsification, it can
9 her discipline, but, again, the department allowed	9 be a variety of things, not seeing clients, making
10 her initially to go home without the temporary	10 up that you sent -- you made referrals, things like
11 suspension. Whereas, other officers, they would	11 that. It can be a plethora of things that actually
12 have imposed it at the initial stage of the	12 took place, but, yeah, it was -- it was not just
13 process.	13 the whole green/white sheet thing. She did put
14     Q. Okay.	14 certain things on her white sheet that she probably
15     A. I know, it's a lot.	15 did not do.
16     Q. That's fine. When Ms. Seay was not put	16     Q. So being involved in the case, do you
17 into that position that she wanted to transfer to,	17 think that she did falsify some records?
18 was it at the same time that Ms. Patla then went	18     A. Uh-huh.
19 right into it, or is there some time discrepancy	19     Q. Sorry. Is that a yes?
20 here?	20     A. Being involved in the case that I
21     A. Probably maybe six months, eight months	21 personally think that she falsified?
22 after. Hence, the reason why Ms. Seay filed a	22     Q. Yeah.
23 complaint of discrimination against the department.	23     A. I did not formulate an opinion regarding
24     Q. Oh, Ms. Seay. Sorry.	24 Julie Montgomery. What I do know is that a lot of
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1     A. Yeah, Kaletha Seay.	1 probation officers -- I'll say this. For a
2     Q. Okay. Let's go to the next one,	2 probation officer, we have tons and tons of
3 page 14. F, which is Julie Montgomery. I can't	3 paperwork, and sometimes things don't get done. If
4 remember, have we talked about her yet today?	4 you go through my files today, you'll probably find
5     A. No.	5 a mistake. You'll probably find something in my
6     Q. No. Okay. So she received a last	6 file that I probably did not do, that I probably
7 chance agreement; is that right?	7 should have done. There's a possibility that I may
8     A. Yes.	8 have forgotten to do certain things for a kid.
9     Q. Were you involved in her case?	9            That does not mean that I maliciously
10    A. Yes.	10 did something wrong, that this is just the nature
11    Q. Were you involved in her getting the	11 of the job. So being involved in Julie
12 last chance agreement?	12 Montgomery's case, all I can do is just take in the
13    A. Yes.	13 information that management gives me and try to
14    Q. And you advised her not to sign it?	14 make an informed decision about how do I represent
15    A. I did. But under duress she asked me to	15 this probation officer and what standards are we
16 sign the agreement for her because the department	16 using to impose discipline, when compared to other
17 or the chief judge's office was directly involved	17 probation officers who did similar things.
18 in this discipline. If you look at the last chance	18            So I did not -- I did not make a
19 agreement for Julie Montgomery, Bruce Wisniewski	19 decision that she was guilty or innocent. I just
20 actually participated in this decision, and	20 used the information that management gave me and
21 apparently it came from the chief judge.	21 tried to use whatever mitigating factors that was
22    Q. Okay. What was the -- what was the	22 taking place during that time.
23 first allegation of misconduct that led to the last	23    Q. Okay. I was just trying to get a verbal
24 chance agreement, if you know?	24 yes or no. That is fine. That is just a reminder

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<p>1 to try your best to say yes or no, if you can. 2 A. Okay. 3 Q. Or at least a verbal answer. Still with 4 Julie here, it says, after her disciplinary 5 sentence, the Cook County Juvenile Probation 6 Department attempted to construct another reason to 7 create a disciplinary investigation, but it was not 8 sustained. 9 Again, just hopefully briefly, my 10 question will be, was Ms. Montgomery accused of 11 misconduct after she signed the last chance 12 agreement? 13 A. Yes. 14 Q. And what was that misconduct? 15 A. Falsification. 16 Q. Okay. Was it for basically the same 17 type of falsification, or was it different? 18 A. According to the department, it was the 19 same type of falsification. 20 Q. Okay. 21 A. What I don't understand is that, I don't 22 know how the chief judge does not see a pattern, 23 that any time that a person signs a last chance 24 agreement and just happens to be African-American,</p>	<p>1 intervened during that time. 2 But then somehow Mike Rohan got ahold of 3 this third allegation of falsification, and she 4 under pressure decided just to resign her position. 5 During the course of having a conversation even 6 with Congressman Danny Davis regarding what was 7 taking place in juvenile probation, he said he was 8 close to the chief judge and that he would actually 9 have a conversation with the chief judge about that 10 regarding Julie Montgomery. 11 Q. Were these -- I'm calling them 1, 2, and 12 3, these allegations. We have 1, but 2 and 3, were 13 those taken all of the way through the grievance 14 process? 15 A. The second one never manufactured. The 16 first one did. 17 Q. And that is the one that resulted in the 18 last chance agreement, right? 19 A. Yes. 20 Q. And the second and third, did those ever 21 get formal grievances or no? 22 A. No, she did not -- despite my plea for 23 her not to resign, she decided to resign her 24 position.</p>
<p>1 they actually say that they committed the offense 2 again. You would think that these are professional 3 probation officers, that they would not commit the 4 same offense again. I mean, similar to people who 5 get convicted of a crime, I guess because they have 6 been convicted once, that means they are guilty all 7 of the time because they did it the first time. I 8 know, you want me to keep it to a yes or no. 9 Q. Ideally, but you are allowed to say what 10 you want to say. I think that Tom would disagree 11 with that. 12 So I just want to be clear in reading 13 this. So we had the last chance agreement, another 14 allegation of misconduct, and then a third 15 allegation of misconduct; is that right? 16 A. Yes. 17 Q. And was the third one sustained or not 18 sustained like the second one? 19 A. Well, the second allegation of 20 misconduct, they tried to create a scenario that 21 she did something wrong, and I think I have an 22 e-mail regarding that. It was something -- it was 23 something very minor, but I assume that the 24 supervisor or maybe even the deputy chief kind of</p>	<p>1 Q. Did she get any discipline for what I'm 2 calling Allegations of Misconduct 2 and 3? 3 A. No. They told her that the chief judge 4 was going to terminate her position or that she 5 could resign. 6 Q. Who told her that? 7 A. People in the union, people who -- 8 Q. Did you tell her that? 9 A. No. 10 Q. You said people in the union. I just 11 want to be -- 12 A. No. Again, like I said, there was 13 certain things that was taking place as far as 14 certain stewards going rogue, certain members in 15 the union who was going rogue, but they was going 16 through the process of the investigatory hearing of 17 imposing discipline. Typically, Mike Rohan would 18 say that he has to wait for a decision from 19 downtown to terminate your employment. 20 Q. Did anyone from management ever tell you 21 that they were going to fire Ms. Montgomery? 22 A. Yes. 23 Q. Who told you that? 24 A. Mike Rohan. He did not believe that</p>

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<p>1 probation officers had the right to go through the 2 steps in the collective bargaining agreement 3 because of the last chance agreements. He believed 4 that, It's the last chance agreement, I could just 5 terminate your employment.</p> <p>6 Q. But did he tell you directly that he was 7 going to fire Julie Montgomery?</p> <p>8 A. Yes.</p> <p>9 Q. Did anyone else hear -- do you know if 10 anyone else was there when he told you that?</p> <p>11 A. I don't recall the steward, if there was 12 another steward. I usually take a second person in 13 the room with me all of the time, just to have a 14 witness, but I'm sure there was a second steward 15 that was present. It might have been Mike Willis 16 because Mike Willis was at the Step 4 -- Step 4 17 with the chief judge's office when Julie signed 18 that last chance agreement.</p> <p>19 Q. Were you present when anyone from 20 management presented Ms. Montgomery with an option 21 of resigning or being discharged?</p> <p>22 A. Not the last time, but I do have e-mails 23 saying that this was her options.</p> <p>24 Q. Who were these e-mails from?</p>	<p>1 Q. She received a last chance agreement, 2 right?</p> <p>3 A. Yes.</p> <p>4 Q. Were you personally involved in that 5 one?</p> <p>6 A. Yes.</p> <p>7 Q. This is the green and white time sheet, 8 right?</p> <p>9 A. So the last chance agreement, when you 10 say I'm personally involved, meaning that I knew 11 about the last chance agreement. I was not there 12 per se when she signed the last chance agreement. 13 It was done while I was on vacation.</p> <p>14 Q. Okay. But it was during your tenure?</p> <p>15 A. My tenure, yes.</p> <p>16 Q. In the union?</p> <p>17 A. Yes, and I talked to Joi Basley about 18 the last chance agreement.</p> <p>19 Q. So do you know if someone else from the 20 union then told her to sign the last chance 21 agreement?</p> <p>22 A. Yes.</p> <p>23 Q. Who told her to do that?</p> <p>24 A. Shawna Varnado and Jeffrey Hayes or</p>
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<p>1 A. From people within the union.</p> <p>2 Q. Can you be any more specific other than 3 people from the union, if you remember?</p> <p>4 A. Lloyd Marshall, Marshon Stutley.</p> <p>5 Q. Do you still have these e-mails?</p> <p>6 A. Yes.</p> <p>7 Q. I have asked you about a lot of e-mails, 8 I think, that you still have. Are these on your 9 work account or are they in a personal account or 10 are they printed out at home? Where are they?</p> <p>11 A. They are on my work account. The 12 department is going through the process of purging 13 our e-mail right now.</p> <p>14 Q. As in right this second?</p> <p>15 A. Under orders that we received, yes.</p> <p>16 Q. Thanks for letting me know that.</p> <p>17 A. So I notified Tom.</p> <p>18 Q. That is good to know. Let's move on 19 from Ms. Montgomery. Let's go to G, which is Joi 20 Basley?</p> <p>21 A. Yes.</p> <p>22 Q. Again, I think you already talked about 23 her?</p> <p>24 A. Yes.</p>	<p>1 Haynes.</p> <p>2 Q. I was going to say no relation, but go 3 ahead. And she was fired, right?</p> <p>4 A. Yes, and we grieved her termination.</p> <p>5 Q. Did she come back?</p> <p>6 A. No.</p> <p>7 Q. So I take it you lost the grievance, 8 right?</p> <p>9 A. I lost all of the grievances throughout 10 the step process because there's no neutral party 11 involved. All parties from Step 1 through 3 and 4 12 are all management, so of course that goes the 13 same, each one.</p> <p>14 If we get to arbitration, I have won 15 arbitration decisions. So once we get a neutral 16 party involved, that is where our victories come in 17 at. We just recently won performance evaluations 18 for Theo Chapman and Patrick Nelson.</p> <p>19 Q. Yeah, they talked about that. Did you 20 arbitrate any of the ones that we have talked about 21 today?</p> <p>22 A. Again, once you get to arbitration, it 23 goes to Council 31, their legal rep, and they are 24 supposed to arbitrate. And they have not provided</p>

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1   Joi Basley a date for arbitration.	1   through 57, refer to Anthony Jordan?
2   Q. The decision to take it to arbitration	2   A. Okay.
3   is on?	3   Q. Now, I believe we have already talked
4   A. Council 31.	4   about that you were -- in your union roll, you were
5   Q. Okay. Thanks. Last individual here,	5   directly handling his termination grievance; is
6   page 15, H, Angela Sneed. I don't think that we	6   that right?
7   have talked about her yet?	7   A. I was handling 90 percent of the
8   A. No.	8   grievances that was filed on my team, yes. So yes.
9   Q. Again, she got a last chance agreement.	9   Q. So you were handling his?
10   Were you involved in that one?	10   A. Yes.
11   A. No.	11   Q. And in here, I don't know what
12   Q. Was that before or after your union	12   paragraph, but it says that he received a last
13   involvement?	13   chance agreement at some point. And that would be
14   A. Before. But, again, Mike Willis	14   paragraph 54, which starts on 15 and goes to 17.
15   provided the paperwork for Ms. Sneed.	15       It says, paragraph 54, Although Anthony
16   Q. Do you know when -- when the allegations	16   Jordan had no history of discipline for failing to
17   here in H regarding Ms. Sneed would have occurred?	17   properly monitor and respond to any alerts, Cook
18   A. For Ms. Sneed?	18   County Juvenile Probation Department had previously
19   Q. Ms. Sneed, yeah?	19   forced Jordan in 2011 into an unfair last chance
20   A. You said for letter A?	20   agreement based upon a prior claim of poor work
21   Q. H.	21   performance. Do you see that?
22   A. H?	22   A. Yes.
23   Q. Right here. Yeah, Ms. Sneed, Angela,	23   Q. Were you involved in Mr. Jordan's 2011
24   right?	24   last chance agreement?
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1   A. Yeah.	1   A. No.
2   Q. There's no time in there. I just want	2   Q. And did you take Mr. Jordan's grievance
3   to know, you said it was before your union	3   about his termination through Step 4?
4   involvement. I just want to know if you know the	4   A. Yes.
5   date on that at all?	5   Q. And it was denied every step?
6   A. It had to be anywhere between 2008	6   A. Yes.
7   because, again, her name appears on the list that	7   Q. Do you know if that was arbitrated?
8   management provided to me, so any time between 2008	8   A. The chief judge had refused to arbitrate
9   or during that time period, 2008 to 2013, that is	9   his last chance agreement. The counsel sued the
10   when her name appears.	10   chief judge somewhere in court, and a court
11   Q. Okay. Turn to page 16.	11   decision just came down saying that the chief judge
12   MR. GEOGHEGAN: Off the record for a second.	12   does have to arbitrate. I guess he has an
13       (WHEREUPON, a recess was had.)	13   arbitration date set for some time this year.
14   BY MR. HAYES:	14   Q. Were you involved in any of that, that
15   Q. Okay. Mr. Smith, let's continue plowing	15   you just talked about, the lawsuit or the
16   through this complaint here. Page 16. Now what we	16   arbitration or anything like that?
17   are going to do is go through the individual	17   A. I'm assuming that they probably used
18   plaintiffs here. They have their own set of	18   whatever documents that I forwarded to you.
19   allegations in the complaint. I am just going to	19   Q. Did anyone talk to you about it or
20   ask you a few questions on what your knowledge is.	20   anything?
21   I know we have gone over probably a lot of this	21   A. No. No.
22   already, but let's see if there's anything that we	22   Q. Just to make sure that we are on the
23   missed.	23   same page here and we are talking about the same
24   Starting here on page 16, paragraphs 48	24   thing, Mr. Jordan was working in the electronic

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1 monitoring unit, right?	1 who failed to file a violation report and then that
2 A. Yes.	2 individual then went out and raped someone who were
3 Q. Okay. And the allegations -- you can	3 not fired? It's a clunky question but --
4 disagree, but the allegations were that he failed	4 MR. GEOGHEGAN: Just for clarification, does
5 to report a juvenile that was leaving his house; is	5 it have to be rape?
6 that right?	6 MR. HAYES: That is my first part. I might
7 A. I don't necessarily think that he failed	7 back off of that.
8 to report. I think the department tried to cite	8 MR. GEOGHEGAN: Answer the best you can.
9 that he failed to file an EM violation.	9 BY MR. HAYES:
10 Q. Okay. And, again, correct me because	10 Q. Yeah.
11 I'm just kind of paraphrasing here. So he failed	11 A. So the problem is that certain things
12 to -- the allegation is that he failed to file the	12 are not investigated. So, therefore, the union
13 violation report, right?	13 would never become aware of certain things that
14 A. Yes.	14 have actually taken place, but we have seen reports
15 Q. Okay. And then this individual that he	15 from the media about other juveniles who have
16 failed to file a report on then raped someone; is	16 actually gone out and raped other individuals or
17 that right?	17 robbed other individuals while they was on
18 A. Yes.	18 electronic monitoring.
19 Q. And then ultimately Mr. Jordan was	19 Q. Okay. And do you know if those
20 terminated for this, right?	20 individuals were being monitored by white
21 A. Yes, because of the last chance	21 employees?
22 agreement.	22 A. Again --
23 Q. Okay.	23 Q. That's fine.
24 A. If it was not for the last chance	24 A. -- the report from the media says that
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1 agreement, there's a possibility that Mr. Jordan	1 this juvenile was on electronic monitoring. The
2 probably would not have been terminated, but,	2 investigation never came across my desk. I
3 again, the practice of giving African-Americans	3 requested information regarding discipline, so,
4 last chance agreements gives the department, I	4 therefore, I can only assume that an investigation
5 guess, the authority to justify the decision by	5 never took place.
6 terminating their employment.	6 But there has been other instances
7 Q. Okay. What is the basis for you just	7 before my time where the juveniles have gone out
8 saying that without the last chance agreement, he	8 and committed more heinous crimes than just kidnap
9 probably would not have been terminated?	9 and rape. They have actually shot individuals
10 A. Because I'm saying that the last chance	10 while on electronic monitoring. They have actually
11 agreement disproportionately impacts	11 did home invasions, burglaries.
12 African-Americans and minorities who are in the	12 Even myself being down in house arrest,
13 department and that only African-Americans are	13 I have known that there was particular officers who
14 given these last chance agreements.	14 was monitoring certain juveniles that they actually
15 Q. Go ahead, if there's something else.	15 did go out and commit an offense, and those
16 A. No.	16 officers was white and they was not disciplined.
17 Q. Then in Mr. Jordan's specific instance,	17 Q. Do you know the names of those officers?
18 did management say, Because of the last chance	18 A. It's been almost 13 years.
19 agreement, we are going to terminate you?	19 Q. I know. I know.
20 A. No.	20 A. And those officers -- when I initially
21 Q. Are you aware of any other -- sorry,	21 came in as a trainee, those officers was veterans,
22 strike that.	22 and a lot of those officers that was down in
23 Are you aware of any	23 electronic morning or home confinement at the time,
24 non-African-American juvenile probation officers	24 pretty much had 20 years of experience, even some

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<p style="text-align: right;">Page 181</p> <p>1 had 30 years of experience within the department. 2 So they possibly could retire. 3 Q. Let's flip the question and say, are you 4 aware of any other African-American officers that 5 failed to file a violation report and then the 6 juvenile then went out and committed -- and I'll 7 just say, any serious offense? 8 A. For electronic monitoring? 9 Q. For electronic monitoring. 10 A. Not that I'm aware of. 11 Q. If you can for Mr. Jordan -- I'm sorry, 12 if you are still -- 13 A. No, I'm thinking. I'm trying to think 14 about the question that you just asked me. I'm 15 trying to go through my head about the discipline 16 list, if there was other officers within electronic 17 monitoring that just happened to be 18 African-American. I know Gus Sanford, he was 19 terminated, and he was African-American. I can't 20 recall his case, but I know that he was terminated 21 as well. 22 Q. You believe -- setting aside the last 23 chance agreement for Mr. Jordan as best you can, 24 pretend that is not out there?</p>	<p style="text-align: right;">Page 183</p> <p>1 policies, the last chance agreement, the supervisor 2 exam, even the flex schedule, if you look at the 3 flex schedule going back -- and I have the 4 e-mail -- only white female probation officers were 5 allowed to have flex time schedules. The 6 department cannot tell me that African-American 7 women who was pregnant -- and I have spoken to some 8 of them -- actually asked for a flex time schedule 9 or a part-time schedule and they was denied. So 10 this is a systemic issue. This is not a one-time 11 issue. This has been going on in the department 12 for years and has been covered. 13 If you look at the history, a lot of the 14 people in the union was not putting in requests for 15 information. They just was not doing it. 16 So even when Mike Willis saw the record 17 himself, he was shocked that only African-Americans 18 was getting last chance agreements and was 19 receiving harsher discipline. But I don't want you 20 to think that I was the first one to start the 21 complaining. Jenny Wells has sent complaints to 22 the chief judge's office. She actually sent a 23 complaint to the presiding judge. Buford Arrington 24 sent a complaint to the chief judge. Even some</p>
<p style="text-align: right;">Page 182</p> <p>1 A. Okay. 2 Q. I'm going to ask him to speculate. Do 3 you believe Mr. Jordan was terminated because of 4 his race? 5 A. Yes. 6 Q. Okay. Why do you believe that? 7 A. The data, the facts, the information 8 that the department has, that they compiled that 9 they have a propensity of giving out harsher 10 discipline to African-American probation officers. 11 This is not something that I made up. This is 12 actually, if you look at the data itself and the 13 department records, when you give a probation 14 officer three-month suspensions, six-month 15 suspensions, and the whites are only given a max of 16 maybe ten-day of suspension, there's a disparity. 17 It's just like the sentencing laws that 18 was imposed on African-Americans compared to crack 19 cocaine and powder cocaine. You had 20 African-Americans who were receiving harsher 21 sentences despite the fact that it was similar 22 offenses that was taking place. 23 So, again, either the department knew 24 directly what they was doing or indirectly. Their</p>	<p style="text-align: right;">Page 184</p> <p>1 Latinos was sending complaints about unfair 2 treatment to the chief judge. 3 Q. Let's move on to Mr. Greenlaw. No, it's 4 fine. Which is on page 157 here. He has 5 paragraphs 58 through 63 of the complaint. 6 And, again, I believe we have already 7 talked about Mr. Greenlaw, but you were involved in 8 the grievance of his termination, right? 9 A. Yes. 10 Q. All of the way through Step 4? 11 A. Yes. 12 Q. Besides Mr. Greenlaw, was anyone else at 13 the JPD terminated for the same behavior? 14 A. Ernest Boyd. He's African-American. 15 Q. And was he Mr. Greenlaw's partner? 16 A. Yes. 17 Q. Okay. Besides those two, are you aware 18 of any other JPD employees that were terminated for 19 misuse of the gas card? 20 A. Alleged misuse. 21 Q. Alleged misuse of the gas card? 22 A. No. 23 Q. Okay. Are you aware of any 24 non-African-American employees that did the same</p>

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<p style="text-align: right;">Page 185</p> <p>1 type of alleged misconduct and were not fired? I 2 should say exact same type of alleged misconduct. 3 A. Fraud? 4 Q. The gas card issue. 5 A. Well, I mean, I think it would fall 6 under the same category of fraud that the 7 department has alleged. You have, Rosa Altamirano, 8 where there was allegations of her changing the 9 check, and the department said it was fraud and 10 they gave her a verbal reprimand. 11 Q. Okay. When did that happen? 12 A. I believe it was between 2008 and 2009, 13 if I'm not mistaken. 14 Q. Were you involved in that as a union 15 rep? 16 A. No. 17 Q. How did you hear about Rosa? 18 A. I have a copy of Mike Rohan's decision. 19 Q. Is that in the bundle of documents that 20 you have been talking about? 21 A. And is on the list that Rose Golden 22 provided to me, too, and I actually presented this 23 information in the Office of the Chief Judge. 24 Q. To who?</p>	<p style="text-align: right;">Page 187</p> <p>1 are discriminated against in this manner by reason 2 of their race and that the design of the supervisor 3 examination is either intentionally or, in effect, 4 discriminatory in excluding African-Americans from 5 supervisory positions. Do you see that? 6 A. Yes. 7 Q. Okay. Do you have any personal 8 knowledge of the allegations that I just read? 9 A. Yes. 10 Q. Okay. What personal knowledge do you 11 have? 12 A. That the department provided me a list 13 of potential supervisors. 14 Q. Okay. And what did that tell you? 15 A. At first glance it did not tell you 16 much, until you start looking at the names and 17 where each probation officer was positioned. If 18 you look at the exam, and you can look at the 19 first -- the first initial exam and the second 20 initial exam, when probation officers retook the 21 exam, the first time the African-American was third 22 and then the second time he was first. 23 After that there's no African-American 24 within the top ten of becoming a supervisor. All</p>
<p style="text-align: right;">Page 186</p> <p>1 A. Keith Sevcik. 2 Q. When? 3 A. 2014, when we was going through the 4 steps. 5 Q. Okay. Next, let's move on to 6 Mr. Chapman. It's on page 18 and 19, paragraph 64 7 through 67. Okay. Start on 65, which is on 8 page 19. 9 A. Okay. 10 Q. This is talking about the supervisory 11 exam, which I believe you referenced earlier. 12 A. Uh-huh. 13 Q. Have you ever taken the supervisory 14 exam? 15 A. No. 16 Q. Do you have any -- just looking on 17 paragraph 65 here, do you have any -- strike that. 18 Were you personally involved in 19 Mr. Chapman requesting copies of his test and 20 scoring method? 21 A. No. 22 Q. If you look at paragraph 66, on the -- I 23 think it's the second sentence. Chapman further 24 alleges that African-American probation officers</p>	<p style="text-align: right;">Page 188</p> <p>1 African-Americans are either starting at No. 14 all 2 of the way to the back. In the past the supervisor 3 list would expire. Once you promote off that list 4 and you have no open positions, that supervisory 5 list normally goes away and the department would 6 have to institute or introduce a new supervisory 7 exam, and people would have to retest and retake 8 the test again. 9 Q. Have you seen the test? 10 A. Yes. 11 Q. How did you see it? Sorry. How did you 12 see it? 13 A. Well, I'm sorry. I never saw the 14 supervisory test. I did see a test as a probation 15 officer trainee. 16 Q. And how did you get to see that? 17 A. Every probation officer who wants to 18 become a probation officer has to pass a final 19 exam. 20 Q. That is different from the supervisory 21 test, right? 22 A. Yes. 23 Q. So you have never seen the supervisory 24 test?</p>

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1 A. No.	2 Q. That is all I want to focus on here.	1 involved in Mr. Chapman's grievances?
3 A. Okay.	4 Q. Sorry. Are there currently	2 A. Yes.
5 African-Americans in supervisory positions at the	6 JPD?	3 Q. And in your union role, correct?
7 A. Yes. After I filed grievances saying	8 that the department has an obligation to fill those	4 A. Yes.
9 open supervisory positions. It does not give	10 management the leeway of not promoting. In the	5 Q. Okay. I want to focus on the Jumpstart
11 past they would always say that the chief judge did	12 not give authorization. In the collective	6 allegations. Do you know what Jumpstart is?
13 bargaining agreement, it says that if there's an	14 open position, you must fill that open position. I	7 A. Yes.
15 did institute a grievance to have management fill	16 those open positions.	8 Q. What is Jumpstart?
17 Q. Just off the supervisory list?	18 A. Yes.	9 A. It was an alternative school that
19 Q. And did these African-Americans get on	20 the supervisory list by passing the exam?	10 probation officers utilized as an alternative to
21 A. Yes.	22 Q. Okay.	11 kids who wasn't in regular school, so we would make
23 A. But if a grievance was never initiated,	24 they would have never been promoted.	12 referrals to the jump start program. The kids
		13 would come to that program from 9:00 to 1:00.
		14 Q. And Mr. Chapman and Mr. Nelson worked in
		15 Jumpstart, right?
		16 A. Yes.
		17 Q. Do you know what they did in the jump
		18 start unit?
		19 A. They did --
		20 Q. If you know.
		21 A. Yeah, many things. They were teachers,
		22 mentors, role models. Their primary responsibility
		23 was to teach classes. They did outreach work.
		24 They would go out into the field, visit clients,
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1 Q. How do you know that?	2 A. Because if the department wanted to	1 and do other responsibilities.
3 promote, I would not have to initiate a grievance	4 to force them to promote. We was talking about	2 Q. Okay. Paragraph 69 says, In 2015 the
5 backpay and we negotiated -- I was trying to	6 negotiate with the department to give these	3 Cook County Juvenile Probation Department
7 individuals backpay, but these individuals did not	8 understand the law, did not understand the point of	4 eliminated positions occupied by Nelson and Chapman
9 the collective bargaining agreement. Management	10 somehow started trying to do direct dealings with	5 in the jump start program under the guise of
11 these individuals, and they just wanted the	12 positions and I have those e-mails.	6 reorganization. Do you see that?
13 Q. In your work account e-mail?	14 A. Yes.	7 A. Yes.
15 Q. That may currently be being purged?	16 A. Well, they say that they are giving us a	8 Q. And do you recall grieving that issue?
17 couple months.	18 Q. Okay. Let's move on to Mr. Nelson.	9 A. Yes.
19 A. Uh-huh.	20 Q. He's on page 19, paragraphs 68 through	10 Q. In 2015 was the Jumpstart program shut
21 72 of the complaint.	22 A. Okay.	11 down?
23 Q. I honestly can't remember what you	24 testified earlier about Mr. Chapman, but were you	12 A. No.
		13 Q. All right. What happened to the
		14 Jumpstart program in 2015?
		15 A. It was restructured to eliminate the
		16 teacher's position.
		17 Q. And who was in the teachers' positions
		18 in 2015, if you know?
		19 A. Officer Chapman, Officer Nelson, and
		20 Officer Tatania Jackson.
		21 Q. And what is her race?
		22 A. She's African-American.
		23 Q. Did Officer Jackson remain in the jump
		24 start program after 2015?

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1 A. Yes.	1 A. Or before.
2 Q. Okay. Prior to the teaching positions	2 Q. Sorry. Wait a minute.
3 being eliminated in 2015, were there any	3 A. So during the -- what the e-mail and the
4 discussions between the union and management about	4 correspondence won't show is that the department
5 restructuring of the Jumpstart program?	5 intentionally fills certain positions within the
6 A. Yes.	6 jump start program, knowing that they were getting
7 Q. And were you involved in those	7 ready to eliminate the instructor positions.
8 discussions?	8 Thereby filling those outreach positions with less
9 A. Yes.	9 senior officers, beginning with Tatanisha Jackson
10 (WHEREUPON, a certain document was	10 and Dale Womack, but then giving Officer Chapman
-10:-22:-47 marked Smith Deposition Exhibit	11 the opportunity to fill those positions who
-10:-22:-47 No. 5, for identification.)	12 actually had more seniority than Tatanisha Jackson
-10:-22:-47 BY MR. HAYES:	13 and Dale Womack. Avik then in the bargaining
14 Q. Okay. Mr. Smith, you have been handed	14 session said to me and my team that this is not in
15 what has been marked as Exhibit 5. This is a group	15 retaliation to the lawsuit that was filed by
16 exhibit. We won't spend too much time on it. This	16 Officer Nelson and Officer Chapman.
17 is going to be referencing what we were talking	17 Q. I have heard that he has made that
18 about, I hope. The first page is Bates Defendant	18 comment before. He made that directly to you?
19 2976. Do you see that?	19 A. Yes, he made that comment directly in
20 A. Uh-huh.	20 the meeting.
21 Q. Okay. Then I just want to focus on the	21 Q. When was that comment made?
22 e-mail that is basically in the middle of the page	22 A. I believe it was -- it had to be
23 here, from Donna Neal to many individuals, but you	23 sometime in maybe July, I believe.
24 are one of the individuals on there, right?	24 Q. Okay.
Page 194	Page 196
1 A. Uh-huh.	1 A. We also explained to Mr. Das that
2 Q. Could you just say yes, please, just for	2 Mr. Chapman and Mr. Nelson was already doing the
3 the record?	3 outreach officer's duties and that there was
4 A. I'm sorry. Yes.	4 nothing different than what they was doing being
5 Q. And it is dated September 18, 2015?	5 instructors. If you look at the bid list, after
6 A. Yes.	6 negotiation took place, the department then
7 Q. Do you recall receiving this e-mail?	7 designed a position on the bid list that included
8 A. Probably so.	8 separate positions within the Jumpstart program to
9 Q. And at this time, when the Jumpstart was	9 give the impression that these were different
10 being restructured, what was your role, your exact	10 positions within that unit. Jumpstart was a hold.
11 role in restructuring of the Jumpstart program?	11 It was not instructive. It was not outreach. It
12 A. My exact role as the president was to	12 was not sanctioned. The Jumpstart bid list was
13 meet with my team and come up with a	13 just Jumpstart. So any time you bid into a jump
14 counterproposal and to bargain over the impact.	14 start, it's just like my unit, I cannot bid on a
15 Q. And was there back and forth between the	15 certain position. If there's six positions within
16 union and management?	16 my unit, I can't bid on Position 1 or 2. I just
17 A. Yes.	17 bid within that office, if there's an opening.
18 Q. But, ultimately, if you look at the	18 Q. When this restructuring happened for
19 e-mail here, No. 1 happened, right, Management will	19 Jumpstart in 2015, besides Ms. Jackson that we have
20 eliminate Jumpstart classroom instructor positions?	20 already talked about, were there any other
21 A. Yes. That was after they moved	21 African-American officers that remained in jump
22 Tatanisha Jackson out of her teacher's position or	22 start?
23 instructor position.	23 A. Yes.
24 Q. Is there --	24 Q. Do you know who they are?

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<p style="text-align: right;">Page 197</p> <p>1 A. I can't think of his last name, but his 2 name is Vince and then Yusef Harris. 3 Q. And I believe you mentioned Dale Womack. 4 What is his race? 5 A. He's African-American. 6 Q. And he remained in Jumpstart, too? 7 A. Yes. 8 Q. Besides Mr. Chapman and Mr. Nelson, was 9 anyone else at this time in 2015, moved out of 10 Jumpstart? 11 A. No. They was targeting particularly 12 Mr. Nelson and Mr. Chapman, because even the 13 supervisor that came to me, who just happened to be 14 African-American and told me that Mr. Nelson 15 made -- wanted to look for a different position. 16 Q. If you know, do you know when the 17 discussions between management and the union about 18 the restructuring of jump start actually started -- 19 if they started in 2015 or earlier, when they 20 actually started? 21 A. I would like to say that maybe they did. 22 I can't recall without my documents, but I would 23 like to say that they probably started a little bit 24 in early 2015 because I remember Tatanisha</p>	<p style="text-align: right;">Page 199</p> <p>1 director at the time. 2 Q. And who was that? 3 A. Avik Das. 4 Q. If you know, is there anyone currently 5 in the Jumpstart program doing the exact same 6 teaching duties that Mr. Chapman and Mr. Nelson 7 were doing when they moved out in 2015? 8 A. I can only assume that the sanction 9 program is a replica of the Jumpstart program 10 because kids are coming to the program but, again, 11 the sanction and the instructional part of the 12 program is a little bit convoluted because the 13 sanction is something that the Illinois Supreme 14 Court said that the probation officers have to 15 offer a minor prior to starting the violation of 16 probation. So I'm not sure if they come there to 17 get instructions, but I do know that a lot of 18 probation officers utilize that program if a kid is 19 out of school, if he's like in violation of his 20 probation, but there are kids that come to the 21 sanction program. 22 Q. Do you utilize that program with your 23 kids? 24 A. Not necessarily. I actually utilize a</p>
<p style="text-align: right;">Page 198</p> <p>1 Jackson's name appearing on the bid list in March. 2 So someone gave her the heads up that you need to 3 put in the bid list -- I mean, a bid into this 4 position in order for us to move you so you won't 5 be impacted. 6 In addition to that, they told us that 7 they were not filling the other outreach officer 8 positions. They actually filled another position 9 with Dale O'Connell, who happens to be white, into 10 the Jumpstart program. 11 Q. So does Jumpstart still exist to your 12 knowledge? 13 A. It does. 14 Q. Is it called Jumpstart? 15 A. Yes. 16 Q. Does Jumpstart currently do classroom 17 instruction? 18 A. No. Well, in a sense, but, no, not 19 really. I mean, I guess under the guise of the 20 sanction program, they have kids that come under 21 this new program called sanctions. 22 Q. Who made -- if you know, who made the 23 decision to reorganize Jumpstart? 24 A. I'm assuming the director, the acting</p>	<p style="text-align: right;">Page 200</p> <p>1 program outside of the department. We have other 2 sanctioned programs, but they are not filled by 3 probation officers. 4 Q. Have you personally, Mr. Smith, outside 5 of -- well, besides the charge of discrimination 6 that you filed on behalf of the local, have you 7 filed any charges of discrimination with either the 8 EEOC or the Illinois Department of Human Rights 9 against your employer? 10 A. Yes. 11 Q. How many? 12 A. Maybe two. 13 Q. Do you know when these were? 14 A. I believe the first one was back in 2010 15 for, I think my temporary suspension, they refused 16 to -- 17 Q. We don't need you to guess. We can do 18 it this way. 19 (WHEREUPON, a certain document was -10-22-47 marked Smith Deposition Exhibit -10-22-47 No. 6, for identification.) -10-22-47 BY MR. HAYES: 23 Q. Okay. Mr. Smith, you have been handed 24 what has been marked Exhibit 6.</p>

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<p style="text-align: right;">Page 201</p> <p>1 A. Okay. 2 Q. Is this the 2010 charge of 3 discrimination that you were just talking about? 4 A. Yes. 5 Q. And it's alleging race discrimination, 6 right? 7 A. Yes. 8 Q. Due to your temporary suspension in 9 2010? 10 A. Yes. 11 Q. What was the outcome of this charge? 12 A. I decided to withdraw it after the 13 department agreed to give me \$22,000 back for 14 backpay and to restore my time. Mike Rohan 15 initially tried to convince me to waive my rights 16 to the money, and I was told by other union reps 17 before my involvement in the union that whites was 18 restored and that the contract actually says that 19 if you are not convicted, anything about the 20 temporary suspension is not supposed to be in your 21 personnel file and you'll be reinstated to your 22 position with all backpay and benefit time. 23 Q. And you weren't convicted, right? 24 A. No.</p>	<p style="text-align: right;">Page 203</p> <p>1 Q. Okay. Any other charges of 2 discrimination that you filed against your 3 employer? 4 A. I filed one for the flex time schedule 5 recently. 6 Q. 2016, does that sound right? 7 A. Yes. 8 Q. Okay. 9 (WHEREUPON, a certain document was -10:-22:-47 marked Smith Deposition Exhibit 11 No. 7, for identification.) 12 BY MR. HAYES: 13 Q. Okay. You have just been handed what 14 has been marked as Exhibit 7, Mr. Smith. Is this 15 the charge that you were just talking about? 16 A. Yes -- no, no. I'm sorry. Oh, yeah, 17 this is it. 18 Q. It's two pages. Just for the record, 19 it's Bates Defendant 8497 and 8498. 20 A. Yes. 21 Q. This is regarding flex time; is that 22 right? 23 A. Yes. Well, flex time schedule. 24 Q. I won't get too much into that.</p>
<p style="text-align: right;">Page 202</p> <p>1 Q. And you were reinstated? 2 A. Yes, after I file this complaint with 3 the EEOC. 4 Q. You can say eventually. That is fine, 5 too. 6 A. Yes. 7 Q. And you said you got \$22,000. Was that 8 all of the backpay that you believe you were owed? 9 A. It was. 10 Q. Okay. So as you sit here, do you feel 11 that you were put back into the position you would 12 have been had you not been temporarily suspended? 13 A. No. 14 Q. Why not? 15 A. Because my character was damaged, and i 16 actually was considering filing a lawsuit against 17 the State's Attorney's Office and against juvenile 18 probation. 19 Q. But you didn't file a lawsuit, right? 20 A. No. 21 Q. Okay. But you got all of the money that 22 you believed you were owed; is that right? 23 A. Yeah, I got all of my money, vacation 24 time, compensatory time back, yes.</p>	<p style="text-align: right;">Page 204</p> <p>1 A. Okay. 2 Q. But that is your signature here on the 3 bottom, first page? 4 A. Yes. 5 Q. And dated November 9, 2016? 6 A. Yes. 7 Q. What is the current status of this? 8 A. They issued a right to sue letter. I 9 decided not to pursue the charges against the 10 department. 11 Q. All right. So as you sit here today, 12 you are not going to file a lawsuit? I won't hold 13 you to it but -- 14 A. I'm not sure. I know that I have a 15 certain window of time, but I do believe that I was 16 treated differently because of my activities 17 because I know other people -- 18 Q. Your activities involving complaints of 19 discrimination, right? 20 A. Yes. 21 Q. Okay. I just want -- as you are sitting 22 here, this is a true and correct copy of the charge 23 that you filed, correct, the exhibit in front of 24 you?</p>

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<p style="text-align: right;">Page 205</p> <p>1 MR. GEOGHEGAN: Exhibit 7?</p> <p>2 MR. HAYES: Exhibit 6 -- is it 7? Exhibit 7.</p> <p>3 BY THE WITNESS:</p> <p>4 A. I believe so.</p> <p>5 BY MR. HAYES:</p> <p>6 Q. Okay. Outside of those two we just showed you, could you think of any other formal charges of discrimination that you filed against your employer?</p> <p>10 A. Probably the unfair labor practice charges that I filed with the Illinois Labor Relations Board.</p> <p>13 Q. Anything else with the EEOC or the IDHR?</p> <p>14 A. Not that I'm aware of.</p> <p>15 MR. HAYES: We are close-ish.</p> <p>16 MR. GEOGHEGAN: Off the record for a second. (WHEREUPON, discussion was had off the record and a certain document was marked Smith Deposition Exhibit No. 8, for identification.)</p> <p>21 BY MR. HAYES:</p> <p>22 Q. Mr. Smith, I have been handed what has been marked as Exhibit 8. I'll represent the title of this document is Theodis Chapman's Objections</p>	<p style="text-align: right;">Page 207</p> <p>1 pulled, but I will go through some other ones.</p> <p>2 They are not going to be as detailed. That is just 3 to kind of give you a roadmap of where we are going 4 here.</p> <p>5 A. Okay.</p> <p>6 Q. I want to look at No. 2, which starts on 7 the bottom of the first page, and it just asks for 8 each person who has knowledge of the facts 9 underlying your claims against defendant. Then the 10 answer is on the next page, the second page.</p> <p>11 You are listed there under A. You are 12 also listed under B.</p> <p>13 A. Uh-huh.</p> <p>14 Q. And then the -- I want you to look at C. 15 And some of these documents are listed here in this 16 one. I think we have talked about them.</p> <p>17 The third line says, An e-mail sent by 18 Alicia Ortiz to the union with regard to blacks. 19 Do you see that? Third line of C.</p> <p>20 A. Okay.</p> <p>21 Q. Is that the e-mail that we were talking 22 about already about what Ms. Caulfield said, or is 23 there another e-mail?</p> <p>24 A. That is another e-mail.</p>
<p style="text-align: right;">Page 206</p> <p>1 and Answers to Defendant's Interrogatories. Do you see that on the first page?</p> <p>3 A. Yes.</p> <p>4 Q. Have you seen this document before?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. When did you see it?</p> <p>7 A. Maybe about a week ago.</p> <p>8 Q. Okay. Was that in conjunction with preparation for your deposition?</p> <p>10 A. No.</p> <p>11 Q. Okay. Why were you looking at this a week ago?</p> <p>13 A. I think I just saw it on the desk.</p> <p>14 MR. HAYES: I know. I was not planning on it. I'm going to drop that for now.</p> <p>16 BY MR. HAYES:</p> <p>17 Q. Mr. Smith, what I'm going to do is I'm going to go through some of the answers in here because they mention you quite a bit, and I'm just going to ask you some questions. Okay?</p> <p>21 A. Okay.</p> <p>22 Q. And I have these answers for each plaintiff, but I'm going to focus most on Mr. Chapman's because that is the first one that I</p>	<p style="text-align: right;">Page 208</p> <p>1 Q. Do you know what e-mail is referred to in this interrogatory answer?</p> <p>3 A. I believe the e-mail was sent in regards to blacks being favorites of the union, if I'm not mistaken.</p> <p>6 Q. Okay. Were you involved with the union when Ms. Ortiz sent this e-mail?</p> <p>8 A. I believe I was cc'd on it or Mike Willis forwarded to me the document or the e-mail.</p> <p>10 But I do recall she was complaining about something that was taking place and that the blacks was the favorites of the union, which turned out not to be true.</p> <p>14 Q. Do you know if you have this e-mail in your possession?</p> <p>16 A. I believe I do.</p> <p>17 Q. On your work account?</p> <p>18 A. Yes.</p> <p>19 Q. Skip the first line here. Under C again, the documents include the original bid list and the modified bid list. Do you know what that is referring to?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. What is that referring to?</p>

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<p style="text-align: right;">Page 209</p> <p>1 A. It's the bid list that all probation 2 officers have to submit their names to in order to 3 transfer into a different unit.</p> <p>4 Q. Okay. What is the difference between -- 5 as referred to here between the original and the 6 modified list?</p> <p>7 A. The modified bid list, after there was a 8 complaint of discrimination, as I mentioned 9 earlier. The Jumpstart program was only one name 10 on the bid list. After the complaint was filed, 11 you can see that three sections of the bid list was 12 created to give the -- distinguish between each 13 position within the Jumpstart program.</p> <p>14 Q. So your understanding is that this is 15 referring to the Jumpstart bid list, right?</p> <p>16 A. There's only one bid list. Jumpstart 17 happens to be on that bid list.</p> <p>18 Q. I see. So the modified bid list then 19 broke out different positions within Jumpstart, 20 right?</p> <p>21 A. Which was initially not there.</p> <p>22 Q. And you say "after the charges of 23 discrimination," are you referring to a lawsuit, 24 are you referring to a grievance? What are you</p>	<p style="text-align: right;">Page 211</p> <p>1 Q. I just want you to look at those, and 2 were you involved in all of those grievances?</p> <p>3 A. I was involved in Howard Brown, Lauren 4 Brown, Kaletha Seay, Joi Basley, Kenneth Greenlaw, 5 Theo Chapman, Ernest Boyd, Emily Pierce, Buford 6 Arrington, Jeannie Wells, Tasha Montgomery, 7 Fernando Johnson. Other individuals who are not --</p> <p>8 Q. You are going off the answer, which is 9 fine. I just want to be clear for the record that 10 those last two names were off the answer. That is 11 fine.</p> <p>12 Going back to Ernest Boyd, he was 13 Mr. Greenlaw's partner, right?</p> <p>14 A. Yes.</p> <p>15 Q. And was terminated for the same reason 16 as Mr. Greenlaw?</p> <p>17 A. Yes.</p> <p>18 Q. Was he brought back or no?</p> <p>19 A. No.</p> <p>20 Q. Okay. And the last -- kind of the last 21 phrase here says, E-Mails between Jason Smith and 22 the following Michael Willis and Alicia Ortiz. Do 23 you see that is the last thing under C, second to 24 last line into the last line?</p>
<p style="text-align: right;">Page 210</p> <p>1 referring to?</p> <p>2 A. I believe that it was after or it might 3 have been even after the complaint of 4 discrimination that they modified the bid list to 5 kind of give the perception that this program or 6 this position has always existed, but it was never 7 there. If you go back to the bid list beginning in 8 maybe 2014, '15, the Jumpstart program only has one 9 position.</p> <p>10 Q. All right.</p> <p>11 A. I'm sure you have the bid list there. I 12 could show you, if you have it.</p> <p>13 Q. Oh, I don't have it.</p> <p>14 A. Okay.</p> <p>15 Q. I'm sure it's somewhere. There's so 16 many documents. Okay. We have -- still here on 17 2C, there's a list of names. We have Paul 18 Williams, Cheryl Anderson, and Argentry Mitchell. 19 Do you see them?</p> <p>20 A. Yes.</p> <p>21 Q. I am not concerned about them. I am 22 concerned about the grievances and EEOC charges 23 filed by, and then it lists several individuals.</p> <p>24 A. Right.</p>	<p style="text-align: right;">Page 212</p> <p>1 A. Okay.</p> <p>2 Q. Do you know what is being referred to 3 here when it says e-mails between you and those two 4 individuals?</p> <p>5 A. I'm assuming the e-mail that he's 6 referencing is regarding Virginia Caulfield saying 7 that Christen Loeb would never be disciplined.</p> <p>8 Q. Okay. Would you still have these 9 e-mails between Michael Willis and Alicia Ortiz in 10 your possession?</p> <p>11 A. Yes.</p> <p>12 Q. So it's safe to say that you don't 13 delete work e-mails; is that right?</p> <p>14 A. No, because we are public servants, and 15 I believe that the public has a right to review our 16 e-mails.</p> <p>17 Q. Okay. I want to look at Interrogatory 18 No. 3, and it's basically asking Mr. Chapman here 19 for all persons he talked about his claims in this 20 lawsuit other than his attorneys, and he listed the 21 EEOC investigator and he lists you.</p> <p>22 This is where he says, The discussions 23 were on the phone and in my home. I believe we 24 talked about this earlier, but did you talk to</p>

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<p style="text-align: right;">Page 213</p> <p>1 Mr. Chapman about his claims of discrimination 2 prior to filing this lawsuit? 3 A. I believe we had discussions about it. 4 Q. Have you talked to him about his claims 5 in this lawsuit after he filed the lawsuit? 6 A. I believe that we have had discussions 7 about it. 8 Q. Okay. Do you recall when the last time 9 was you spoke to Mr. Chapman about the lawsuit? 10 A. Maybe over a month ago. 11 Q. Okay. And as long as an attorney was 12 not there, what did you talk about? 13 A. He just talked about the unfair 14 treatment that is getting to him, that I think it's 15 wearing on him. He's trying to do the best job he 16 can as far as the work that he's trying to produce, 17 yeah, and that he hopes that it is resolved soon, 18 that some reform is instituted within juvenile 19 probation. 20 Q. If you turn the page and look at No. 21 5 -- and I don't want to get into the question 22 unless you need it, but what it says here in the 23 answer, it says, I understand from Jason Smith that 24 Ed Walsh signed an affidavit capturing the comments</p>	<p style="text-align: right;">Page 215</p> <p>1 there, make other comments regarding the -- I guess 2 we can say, like, trumped up allegations against 3 white probation officers? 4 A. I mean, he -- I don't know if it's 5 relevant, but something about having fun or 6 something that he said. But, I mean, Ed Walsh, he 7 signed an affidavit, there was e-mails exchanged 8 between Ed Walsh and I because he was so upset that 9 the chief judge designee would allow him to make 10 that comment. 11 I think these particular issues, 12 especially when probationary officers know that 13 they have not done anything wrong, it causes undue 14 stress and it affects their mental capacity, 15 especially when you dedicate your life to a job 16 that you are only there to do, that you love. 17 Q. And it says you said this and it also 18 says it here, that e-mails were exchanged between 19 you and Mr. Walsh; is that right? 20 A. Yes. 21 Q. And you still have those? 22 A. Yes. 23 Q. Okay. No. 6. It's asking to identify 24 all instances of which you are aware, and it would</p>
<p style="text-align: right;">Page 214</p> <p>1 that were made during his grievance hearing that 2 justified or indicated his punishment was designed 3 to head off complaints that white officer were not 4 disciplined as harshly. Do you see that? 5 A. Yes. 6 Q. And is this what we were talking about 7 previously, about Ed Walsh and the comments that 8 Mr. Williamson made? 9 A. William Patterson. 10 Q. William Patterson. I was close. Okay. 11 But that is what this is referring to, right? 12 A. Yes. 13 Q. Okay. There were no other comments that 14 Mr. Patterson made regarding Ed Walsh's discipline? 15 A. There was other comments, but that is 16 the particular one that kind of stuck out to me 17 because it kind of struck me that, especially him 18 being an African-American, that he would make that 19 type of comment and even in the presence of the 20 chief judge designee. So that kind of stuck out to 21 me, but there was other dialogue that took place. 22 Q. And I blame myself for the question. 23 A. Okay. 24 Q. Did Mr. Patterson, with Ed Walsh and you</p>	<p style="text-align: right;">Page 216</p> <p>1 be asking Mr. Chapman, where actions by white 2 officers did not receive the same discipline or 3 scrutiny as actions by African-American peers. And 4 then the answers on the next page, starting at the 5 top, and it says, I understand from Jason Smith 6 that white officers who are treated in a lenient 7 manner include, and then it lists several 8 individuals? 9 A. Uh-huh. 10 Q. Did you tell Mr. Chapman about these 11 individuals listed here? 12 A. We had conversations about these 13 individuals. As far as the accuracy of what is 14 written, there may be -- there may be one that 15 might not be right. 16 Q. Okay. Let me know. Which one is that? 17 A. I think it's Dina Randazzo. I'm not 18 sure if it was falsification of her work records, 19 but I do know that the department did discipline 20 her. 21 Q. So all of the officers listed here are 22 white; is that right? 23 A. Yes. 24 Q. Okay. And other than Dina Randazzo, you</p>

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1 relayed to Mr. Chapman that all of these white 2 officers received more lenient treatment than 3 African-American officers; is that right?	1 A. No. He was Mr. Modjeski's direct 2 supervisor.
4 A. Yes. Mr. Chapman was a steward, so he 5 was involved in the stewards' meetings, so he knew 6 about the information as well.	3 Q. Okay. Still staying on the answer to 4 No. 6, B, it says, I understand from Jason Smith, 5 and this is referring to Julie Montgomery. We 6 already talked about her, right?
7 Q. I just want to clarify for the record, 8 and I'm going to ask your personal involvement or 9 just by reviewing the records. Okay?	7 A. Uh-huh.
10 A. Okay.	8 Q. Joi Basley, we already talked about her, 9 right?
11 Q. You know where I'm going with that or 12 what I want, just whether or not you were involved 13 in the grievances or if you just --	10 A. Uh-huh.
14 A. Reviewed the records.	11 Q. Anthony Jordan, we already talked about.
15 Q. -- reviewed the records. Okay. Kevin 16 Gavin?	12 Lauren Brown, we already talked about her, right?
17 A. Reviewed the records.	13 She was in the complaint?
18 Q. Rosa Altamirano?	14 A. Yes.
19 A. Reviewed the records.	15 Q. I don't think that Denise Dixon was in 16 the complaint. Was it your understanding that 17 Ms. Dixon got a last chance agreement?
20 Q. Christen Loeb?	18 A. She did not get a last chance agreement.
21 A. Reviewed the e-mail.	19 Q. Okay.
22 Q. Paula -- I'm sorry. Go ahead.	20 A. She got a major -- she got a 30-day 21 suspension.
23 A. There was no investigatory hearing.	22 Q. Okay. Were you involved in that 23 grievance?
24 Q. Paula Shanahan?	24 A. No, reviewed the records.
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1 A. Reviewed the records.	1 Q. Angela Stockdale, same question?
2 Q. And Brian Modjeski and William Pieroth?	2 A. Reviewed the records.
3 A. William Pieroth is a deputy, so I would 4 not be involved in that matter. But Brian 5 Modjeski, I believe I was there. There was an 6 investigatory hearing that was conducted, and it 7 was stated that it was unfounded, that they would 8 not proceed with discipline to him regarding 9 Anthony Jordan.	3 Q. Okay. We already talked about Angela 4 Sneed Pierce. Is that the same person that we 5 talked about earlier?
10 Q. Just to be clear for the record, it says 11 those two are listed under no discipline in the 12 matter for which Anthony Jordan was fired, right?	6 A. No, that is a different person but 7 reviewed the records.
13 A. Yes.	8 Q. So there's an Angela Sneed and an Angela 9 Sneed Pierce?
14 Q. What was Brian Modjeski's role in that 15 matter?	10 A. Yes. There's an Angela Stockdale and 11 then an Angela Sneed Pierce. That is her married 12 name. Angela Sneed Pierce is the same Angela 13 Sneed.
16 A. He was the supervisor.	14 Q. Okay. That we talked about already?
17 Q. Mr. Jordan's direct supervisor?	15 A. Yes.
18 A. Yes.	16 Q. That is all I wanted to know. Augustus 17 Sanford?
19 Q. Union employee?	18 A. Reviewed his records.
20 A. Yes.	19 Q. And it says the grievances filed in 20 these cases provide the relevant documents relating 21 to those allegations. Do you know where these 22 grievances would be found?
21 Q. And Mr. Pieroth was deputy?	23 A. I have the majority of the grievances.
22 A. Uh-huh. I'm sorry.	24 Also, the union should have them, too, and the
23 Q. That's fine. Long day. So he was not 24 unionized, right?	

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Page 221 1 department. 2 Q. How long does the union keep the 3 grievances for? 4 A. Again, when I first became vice 5 president and president, all of the paperwork was 6 thrown into a tote, multiple totes and a box, so 7 I'm assuming that Council 31 -- I don't know if 8 they keep them or not, but I would hope that the 9 local would keep them. 10 Q. Okay. Let's look at Interrogatory 11 No. 7. Again, I just want to focus on the answer 12 starting on the third line at the end, it says, I 13 understand from Jason Smith that other officers 14 were not allowed transfers to other units when 15 their units were closed. These units were made up 16 largely of African-American officers, whites in 17 closed units could transfer. For example, 18 comparators include Susan Patla and Susan Curcio, 19 white officers who could and did transfer to other 20 units when their own largely white units were 21 closed. 22 We already talked about Susan Patla, 23 right? 24 A. Uh-huh.	Page 223 1 They was talking about bringing her back into the 2 building. Irene Porter's position was eliminated. 3 They was talking about closing down the Jumpstart 4 program at one point. They also was talking about 5 closing the George unit, which is particularly made 6 up of African-American probation officers as well. 7 They closed down the duly involved unit, and, yeah, 8 I would have to review. 9 Q. That is fine. I just want to be clear 10 on one thing. It says here that Mr. Chapman 11 learned from you that other officers were not 12 allowed transfers to other units, when their units 13 were closed. 14 Outside of Chapman and Nelson, were 15 there any other specific African-American officers 16 that were not allowed to transfer when their units 17 were closed? 18 A. I mean, to be quite honest with you, 19 that does not make sense because if their unit is 20 closed, then where would they go? 21 Q. That is what I'm trying to figure out. 22 A. So I'm not sure if that is not stated 23 correctly or not. Maybe I'm not reading it 24 correctly.
Page 222 1 Q. Sorry. You just have to say yes. 2 A. Yes. I'm sorry. 3 Q. Or no. And her unit was closed when she 4 transferred? 5 A. No. 6 Q. All right. Susan Curcio, white? 7 A. Yes. 8 Q. Was her unit closed? 9 A. No. 10 Q. But she transferred? 11 A. Yes. 12 Q. Were you involved in that transfer? 13 A. No. 14 Q. Reviewed documents? 15 A. Yes. I was involved in Susan Patla. 16 Q. Do you know what units were closed that 17 were made up largely of African-American officers? 18 A. Irene Porter's unit was closed. It was 19 merged together. There were several other units, 20 and I can't recall right off the top of my head 21 that were being proposed to close or have certain 22 supervisors impacted, particularly people like 23 Grant Carter, who is African-American, who is 24 probably the only African-American on the scope.	Page 224 1 Q. You can read it. It starts on the 2 previous page at the bottom. 3 A. When their own largely white unit was 4 closed. So you are saying that these units are 5 made up largely of African-American officers, 6 whites in closed units could transfer. 7 Q. There needs a period there. I don't 8 know. 9 MR. GEOGHEGAN: It might need restructuring. 10 BY MR. HAYES: 11 Q. That's fine. I'm not trying to call out 12 any typos. I'm just trying to figure out what is 13 being said here and what you conveyed to 14 Mr. Chapman. 15 A. What I probably conveyed to Mr. Chapman 16 is that you have largely white units that had no 17 particular function, that the department was trying 18 to justify to the union as to why they were not 19 putting them on the table in order to have them 20 impacted. 21 Q. When you say "putting them on the 22 table," what does that mean? 23 A. It means bargaining. If the union is 24 bringing up certain units and we are saying, Well,

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<p>1 if you want to impact these bargaining members, can 2 you tell us why this unit is not being introduced 3 compared to the African-American unit that is being 4 introduced and what justification can you provide 5 to the union for closing this particular unit. 6       Particularly like, let's say the Street 7 Dreams program. The Street Dreams program is made 8 up of African-American males who helped over 1,000 9 kids get jobs, and it was so successful. It was 10 recognized by the media. All of our kids was 11 getting jobs. They was staying out of trouble, was 12 not picking up any new cases. They was employed 13 and suddenly they restructured and closed that 14 particular program down. 15       But then you have the art therapy unit 16 that is made up of mostly white officers that our 17 kids wasn't benefitting from this program. As a 18 probation officer, especially a field officer who 19 services these clients, how can you tell us that a 20 program that was employing our kids compared to a 21 program that is not impacting our kids should not 22 be put on the table to bargain. So they would take 23 that particular officer, maybe fulfill a need in 24 another section of the department, and keep those</p>	<p>1 Q. Got it. And what was his name? 2 A. Mr. Ed Alexander. 3 Q. And then what happened to Mr. Alexander 4 when it was restructured? 5 A. He retired. 6 Q. Do you know if Mr. Alexander asked to be 7 transferred anywhere else? 8 A. No. But I do know that he called me 9 upset about what they was doing and decided that 10 this might be a good time for him to leave the 11 department. 12 Q. Okay. So we have Jumpstart 13 restructured, right? 14 A. Yes. 15 Q. Street Dreams restructured, right? 16 A. Yes. 17 Q. What else during the relevant time 18 period, 2012 and now, that other unit departments 19 were restructured, if you know, that actually were 20 restructured? 21 A. I believe there was a unit that was 22 merged with certain police districts that was kind 23 of merged together to keep white probation officers 24 within their unit to justify their caseload. So</p>
<p style="text-align: right;">Page 226</p> <p>1 white officers in their unit without closing them 2 down. 3 Q. Okay. 4 A. I know it's a lot. 5 Q. That's fine. Was it Street Dreams unit? 6 A. Street Dreams. 7 Q. I just want to know, when did that 8 happen? 9 A. I believe it was 2015, maybe '16. 10 Q. And so that was closed down, that unit? 11 A. It was restructured. 12 Q. Restructured. 13 A. That is the department's favorite term. 14 Q. Were any of the -- and you -- strike 15 that. 16       You testified it was largely 17 African-American employees, right? 18 A. It was the only African-American male 19 there. 20 Q. Pardon me? 21 A. He was the only African-American male 22 there. Like, he was the program. 23 Q. Oh, it was just one person? 24 A. Yes.</p>	<p style="text-align: right;">Page 228</p> <p>1 like my particular unit covers the 10th and 11th 2 District. Whereas, a particular unit may only 3 cover the 9th District, and if they don't have a 4 steady flow of cases coming through, you have some 5 probation officers that may have seven or six 6 cases. So in order to justify not impacting them 7 and allowing them to stay in their unit, they will 8 merge certain units together to keep those 9 probation officers in their positions. Because a 10 lot of probation officers, they are big into 11 positions, particularly if it's close to their 12 home. So if the white officers live north, of 13 course they would want to service the north area. 14 Whereas, a black probation officer lives south or 15 the west, he would possibly be into those units. 16 Q. Okay. 17 A. And sometimes you are forced to go to a 18 certain area. 19 (WHEREUPON, a certain document was -10-22-47 marked Smith Deposition Exhibit -10-22-47 No. 9, for identification.) -10-22-47 BY MR. HAYES: 23 Q. Okay. Mr. Smith, you have been handed 24 what has been marked as Exhibit 9 very similar to</p>

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<p style="text-align: right;">Page 229</p> <p>1 what we have just been talking about. These are 2 the interrogatory answers of Kenneth Greenlaw. 3 If you could turn to No. 10, which looks 4 like it's going to be -- No. 10. Are you on that 5 one?</p> <p>6 A. You said page what?</p> <p>7 Q. Interrogatory No. 10. There's no page 8 numbers on here. It's a few pages in.</p> <p>9 A. Okay.</p> <p>10 Q. It begins, In relation to Paragraph 63 11 of your complaint. Do you see that?</p> <p>12 A. Uh-huh.</p> <p>13 Q. Just to make sure that we are on the 14 same page. Just because we are talking about this 15 because the answer says, I understand from Jason 16 Smith. Do you see that down below?</p> <p>17 A. Uh-huh.</p> <p>18 Q. Is that a yes?</p> <p>19 A. Yes. I'm sorry.</p> <p>20 Q. All right. The answer here says, I 21 understand from Jason Smith that others who worked 22 at IPS, as I did, also failed to complete the 23 vehicle inspection forms on a regular or consistent 24 basis. Do you see that?</p>	<p style="text-align: right;">Page 231</p> <p>1 Q. It says further, Jason Smith requested 2 all the vehicle inspection forms and went through 3 all of them. Is that a true statement?</p> <p>4 A. Yes.</p> <p>5 Q. And it says here, what you just 6 testified to, Jason Smith presented such 7 information in the grievance hearings?</p> <p>8 A. Yes.</p> <p>9 Q. And you did do that?</p> <p>10 A. Yes, at all steps, including Office of 11 the Chief Judge?</p> <p>12 Q. Steps 1 through 4?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Outside of what it says here in 15 this answer about reviewing the vehicle inspection 16 forms -- let me rephrase that because line 4 says, 17 But Jason Smith presented such information in the 18 grievance hearings. I want to know exactly what 19 information you presented at the grievance 20 hearings?</p> <p>21 A. I presented, again, the statistics of 22 African-Americans being suspended and terminated. 23 I presented information about particular white 24 probation officers, what type of discipline that</p>
<p style="text-align: right;">Page 230</p> <p>1 A. Yes.</p> <p>2 Q. Did you tell Mr. Greenlaw this?</p> <p>3 A. I presented it at the grievance hearing, 4 yes.</p> <p>5 Q. What does IPS mean?</p> <p>6 A. Intensive probation supervision.</p> <p>7 Q. And that is a unit within the 8 department, right?</p> <p>9 A. Yes, it's a specialized unit.</p> <p>10 Q. Okay. And does your knowledge of this, 11 what's alleged here, that others who worked in IPS 12 failed to complete the vehicle inspection forms, is 13 that from review of the documents or from personal 14 knowledge?</p> <p>15 A. I guess it's my personal knowledge 16 because I reviewed the documents that the 17 department gave to me.</p> <p>18 Q. All right. Let me ask it a different 19 way. Were you ever involved outside of 20 Mr. Greenlaw and Mr. Boyd in any grievances 21 involving failure to complete vehicle inspection 22 forms?</p> <p>23 A. There was no other investigatory 24 hearings, so no.</p>	<p style="text-align: right;">Page 232</p> <p>1 they received. I also presented vehicle inspection 2 forms showing that it was a widespread issue even 3 with myself, that being a probation officer and 4 especially working in a high-risk neighborhood, 5 like Englewood, Lawndale, sometimes you are not too 6 concerned about the vehicle inspection forms, you 7 are more concerned about your safety, and sometimes 8 getting back home and to the building is your 9 number one priority. And oftentimes, especially me 10 being in home confinement, that at times I would 11 forget to complete the vehicle inspection form. I 12 did not understand how that impacted the 13 department, per se, but they used it as a reason to 14 justify the discipline for Mr. Greenlaw, despite 15 the fact that I brought it up that other officers 16 who are in the specialized units, especially IPS, 17 was not completing those forms.</p> <p>18 Q. And you are saying that you sometimes 19 did not complete those forms?</p> <p>20 A. Yeah.</p> <p>21 Q. Were you ever disciplined for that?</p> <p>22 A. No. My supervisor would give me an 23 opportunity to make it up, so I'm not sure if 24 Mr. Greenlaw was given that opportunity or even if</p>

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<p style="text-align: right;">Page 233</p> <p>1 it was brought to his attention because he never 2 received any memo saying that he did not do X, Y, 3 and Z and -- yeah. But we are talking about almost 4 13 years ago, me being in home confinement. I 5 don't use a county car. I actually use my own 6 personal vehicle to conduct my field visits.</p> <p>7 (WHEREUPON, a certain document was -10:-22:-47 marked Smith Deposition Exhibit -10:-22:-47 No. 10, for identification.)</p> <p>-10:-22:-47 BY MR. HAYES:</p> <p>11 Q. Mr. Smith, you have been handed 12 Exhibit 10. This is another set of 13 interrogatories. This one answered by Anthony 14 Jordan?</p> <p>15 A. Uh-huh.</p> <p>16 Q. Same drill as before. Just ask you a 17 few questions. Let's go to Interrogatory No. 6?</p> <p>18 A. Okay.</p> <p>19 Q. So this question is asking Mr. Jordan 20 about a certain paragraph, which you have already 21 actually talked about in the complaint, that says, 22 Actions by white officers did not receive the same 23 discipline or scrutiny as actions by their 24 African-American peers.</p>	<p style="text-align: right;">Page 235</p> <p>1 Q. And we've talked about that a lot today. 2 A. Yes. 3 Q. Is there anything else that we have not 4 talked about today that you want to add regarding 5 the disparity of discipline -- strike that.</p> <p>6 Specific examples. I don't want your 7 opinion. I want specific examples of disparity in 8 discipline -- I don't want you to guess or 9 speculate -- that you can think of sitting here. 10 I'm looking at the documents and everything, but 11 I'm just trying to cover all bases here.</p> <p>12 Is there anything that -- specific 13 individuals that we have not talked about today 14 that jump into your mind now as we sit here?</p> <p>15 A. Not particularly. I mean, the mere fact 16 that these plaintiffs are citing me is accurate 17 because no probation officer would have access to 18 the data unless they make a request or put in a 19 request for information. So each particular 20 officer would not know what any other officer 21 received as far as discipline unless their union or 22 their legal rep provided them with the information.</p> <p>23 Q. And you know this information because as 24 a union rep, you asked for it, right?</p>
<p style="text-align: right;">Page 234</p> <p>1 And then the answer says, I have no 2 firsthand knowledge but I received my knowledge 3 from Mr. Smith. Do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. And I'm paraphrasing, but is that true, 6 basically what it says there?</p> <p>7 A. Yes.</p> <p>8 Q. Go ahead.</p> <p>9 A. Okay.</p> <p>10 MR. GEOGHEGAN: There's no question pending.</p> <p>11 MR. HAYES: I thought you like him to talk, 12 Tom. Just kidding.</p> <p>13 MR. GEOGHEGAN: Off the record.</p> <p>14 (WHEREUPON, discussion was had off 15 the record.)</p> <p>16 BY MR. HAYES:</p> <p>17 Q. What I want to -- why I pointed you to 18 this answer is what I'm looking for is, outside of 19 what we have already talked about today -- because 20 we are getting close to wrapping everything up -- 21 it says -- so the allegation in the complaint was 22 white officers did not receive the same discipline 23 or scrutiny as African-American officers, right?</p> <p>24 A. Uh-huh.</p>	<p style="text-align: right;">Page 236</p> <p>1 A. I had to fight for it, yes.</p> <p>2 Q. But you asked for it, right?</p> <p>3 A. Yes.</p> <p>4 Q. And you received it eventually, right?</p> <p>5 A. Yes.</p> <p>6 Q. And you still have it in your 7 possession, right?</p> <p>8 A. Yes. And I was involved directly in the 9 majority of them.</p> <p>10 Q. Next page is No. 8. And, again, this is 11 going to be very similar to what we just talked 12 about. So the question is asking about 13 paragraph 46 of the complaint, disparate treatment 14 of juvenile probation officers, and then it says -- 15 the answer here, last sentence, It is from Jason 16 Smith and his examination of disciplinary records 17 that I have knowledge of the breadth of the 18 racially disparate discipline. Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. And that is basically the answer that 21 you just gave, right?</p> <p>22 A. Yes.</p> <p>23 Q. All right. Go a couple pages to 24 Interrogatory No. 14. It is asking about</p>

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1 paragraph 56 of the complaint, and again, I just 2 want to focus on the first sentence here, I rely on 3 Jason Smith's compilation of racially disparate 4 discipline. Do you see that?	1 STATE OF ILLINOIS ) 2 ) SS: 3 COUNTY OF C O O K ) 4 I, KRISTIN C. BRAJKOVICH, a Certified 5 Shorthand Reporter of said state, do hereby 6 certify: 7 That previous to the commencement of the 8 examination of the witness, the witness was duly 9 sworn to testify the whole truth concerning the 10 matters herein;
5 A. Yes. 6 Q. Okay. Other than what we have talked 7 about today, did you do any other compilation of 8 racially disparate discipline?	11 That the foregoing deposition transcript 12 was reported stenographically by me, 13 was thereafter reduced to typewriting under my 14 personal direction and constitutes a true record 15 of the testimony given and the proceedings had;
9 A. What do you mean?	16 That the said deposition was taken 17 before me at the time and place specified;
10 Q. So this is Mr. Jordan's answer, so I 11 know that you did not -- you are not answering it, 12 but he's saying that he relied on your compilation 13 of racially disparate discipline, and we talked a 14 lot about the union compiling data and all of those 15 numbers.	18 That I am not a relative or employee 19 or attorney or counsel, nor a relative or 20 employee of such attorney or counsel for any of 21 the parties hereto, nor interested directly or 22 indirectly in the outcome of this action.
16 Did you do any other compilation that 17 you believe maybe Mr. Jordan is referring to here?	23 IN WITNESS WHEREOF, I do hereunto set my 24 hand and affix my seal of office at Chicago,
18 A. I don't believe so at this time. I 19 would have to review my records, but I did talk 20 about the number of investigations or investigatory 21 hearings that was taking place. I'm not sure if 22 that --	
23 Q. I don't want you to guess what he's 24 answering here.	
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1 A. Okay. 2 Q. Yeah. Sometimes statements, answers 3 allow me to ask a question about a fact, and that 4 is all I wanted.	1 Illinois, this 5th day of October, 2017. 2 3 4 5 6 7 C.S.R. Certificate No. 84-3810. 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24

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